MR. A. THANU PILLAI (*Trivandrum*): Therefore am I not allowed to speak, Sir, on that subject ?

DEPUTY PRESIDENT: No, it is too late.

THE TRAVANCORE FOOD ADULTERATION BILL.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): The motion that I want to make is the motion for the final reading and passing of the Travancore Food Adulteration Bill. But before I make that motion I want to make a formal motion in regard to the short title of the Bill which is now put as the Travancore Food Adulteration Bill 110." A blank is left there for the insertion of a figure in order to indicate the year in which the Regulation is passed. I move that the figure "6" be added to the figures "110."

MR R. NILAKANTA PILLAI (*Financial Secretary to Government*): I second the motion.

The motion was passed.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I now beg to move that the Bill be finally read and passed.

MR. T. K. MADHAVAN NAYAR (*Ag. Secretary to Government*): I second the motion.

The Motion was passed.

AMENDMENT TO THE CIVIL PROCEDURE CODE.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): The next item in the agenda is the final reading of Rule 5 (1) of Order No. IX in the Schedule attached to the Civil Procedure Code, which was amended by the High Court and subsequently approved by the Council. I beg to move that Rule 5 (1) of Order No. IX in the Schedule attached to the Civil Procedure Code as amended be finally read and passed.

MR. C. O. MADHAVAN (*Secretary to Government*); I second the motion.

The Motion was carried.

THE REVENUE RECOVERY REGULATION AMENDMENT BILL.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I beg to present the report of the Select Committee on the Travancore Revenue Recovery Regulation Amendment Bill, and beg to move that the Bill as reported be taken up for consideration.

MR. R. NILAKANTA PILLAI (*Financial Secretary to Government*): I second the motion.

The motion was carried.

MR. A. THANU PILLAI (*Trivandrum*): I gave notice of a single amendment, Sir, and that has been split up into two.

DEPUTY PRESIDENT: What is the objection in having 'means and includes' as the first amendment?

LIBRARY ARCHIVES Kerala Legislative Assembly

MR. A. THANU PILLAI (*Trivandrum*). Not that there is anything substantial.

DEPUTY PRESIDENT: Therefore you do not press the first motion?

MR. A. THANU PILLAI (*Trivandrum*): I move the whole as one amendment as I have given notice. My amendment has been split up into two amendments, but I doubt whether it is allowable, although it does not in any way affect the spirit of my amendment in this particular case?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): He may move the second amendment first, and then the first amendment may be considered.

MR. A. THANU PILLAI (*Trivandrum*): The question is whether the amendment sent up by me can be split up into two?

DEPUTY PRESIDENT: Your right to move the second amendment is not in any way affected by your original motion having been split up into two. You may take that assurance from me. Even supposing that your second amendment is thrown out is there any harm in inserting the words 'means and' before the word 'includes'?

MR. A. THANU PILLAI (*Trivandrum*): There is no substantial difference. The implications of my amendment would not in any way be affected. But I wish to point out that when we send up amendments, they should not be tampered with in any manner by the office.

DEPUTY PRESIDENT: Without going into that question, there appears to be nothing wrong in it.

MR. A. THANU PILLAI (*Trivandrum*): There is no difficulty in this instance. But it may be that in other cases this splitting up may not bring out correctly the spirit of our amendments. That is objectionable.

DEPUTY PRESIDENT: I do not propose to hear you on that point at all.

MR. A. THANU PILLAI (*Trivandrum*): In this case I have no objection.

DEPUTY PRESIDENT: Then you may move the first amendment.

MR. A. THANU PILLAI (*Trivandrum*): I beg to move the following amendment in line 1:—

Insert the words 'means and' before the word 'includes.'

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): I second the motion.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I have no objection to the amendment.

DEPUTY PRESIDENT: May I take it that the House accepts the motion?

The motion was accepted.

MR. A. THANU PILLAI (*Trivandrum*): I then beg to move the following motion to lines 2 and 3:

LIBRARY ARCHIVES Kerala Legislative Assembly

Substitute the words 'or of any other local authority, but not any employee of the Sreepadom Palace' for the words 'as also every person employed for, engaged in, or responsible for the collection of any public revenue or the dues of any local authority.'

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Sir, I rise to a point of order.

DEPUTY PRESIDENT: Let me first understand the amendment. The Bill as amended by the Select Committee runs thus:—"The expression 'officer' includes, for the purposes of this Section, every officer of Our Government and every officer of a Municipality as also every person employed for, engaged in, or responsible for the collection of any public revenue or the dues of any local authority."

The amendment is to substitute the words 'or of any other local authority, but not any employee of the Sree Padam Palace' in place of the words 'as also every person employed for, engaged in, or responsible for the collection of any public revenue or the dues of any local authority.' So that the explanation with the amendment will read as follows:

"The expression 'Officer' means and includes for the purposes of this Section every officer of our Government and every officer of a Municipality or of any other local authority but not any employee of the Sree Padam Palace."

I now wish to know Mr. Thanu Pillai why you seek to amend the portion.

MR. A. THANU PILLAI (*Trivandrum*): The other is a cumbrous way of putting things.

DEPUTY PRESIDENT: Even though it is cumbrous, it is clear.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I wish to speak on the point of order, Sir. The question whether the word "officer" should include an employee of the Sreepadam Palace was debated in the last December meeting which is a part of this session. And this House has given a decision. According to Standing Order No. 22, a motion must not raise a question substantially identical with the one on which the Council has given a decision in the same session. Under this Standing Order I submit that the same question cannot be raised over again now.

DEPUTY PRESIDENT: That is one of the general rules of procedure?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Yes. That is one of the general rules of procedure applying to all classes of business.

DEPUTY PRESIDENT: We are now dealing with legislation. You say that this rule would apply to legislation as well, because that is one of the general rules of procedure. According to you if at one stage of the sitting of the Council a certain principle was accepted it is not open to the House at any later stage to throw the Bill out?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): It is open to the House to throw the whole Bill out.

LIBRARY ARCHIVES Kerala Legislative Assembly

DEPUTY PRESIDENT: If it is open to the House to throw the whole Bill out, is it not open to the House to consider a part of the Bill ?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): The Bill is thrown out by out-voting when the mover moves the appropriate motions as provided for by the Rules and Standing Orders. Apart from that a specific motion cannot be made to raise a substantially identical question as that which was decided in the same session.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): What was the question previously raised ?

(Mr. K. P. Nilakanta Pillai asked the same question.)

DEPUTY PRESIDENT: Allow him to finish before you begin to cross-examine him.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): When an amendment is brought in—and it is a motion—that shall not raise a substantially identical question as the one on which the Council has given a decision at the same session.

DEPUTY PRESIDENT: What was the decision ?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I think you were present, Sir, when the question was debated. The question was whether the Sreepadam Palace.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): It was with reference to that I wanted an answer—what was the motion that raised ?

DEPUTY PRESIDENT: Let my examination be over and then I will give you an opportunity of asking him. I am just now trying to understand the objection.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I wish to submit that during the last debate when I moved that the Bill be read in Council, the question that was raised was whether an employee of the Sreepadom Palace can be treated as an officer for the purposes of this Section or not. That was also distinctly stated in the Statement of Objects and Reasons. When the House gave a decision affirming the principle of the Bill, I take it that the House has given a decision on the question whether an employee of the Sreepadom Palace should be treated as an officer for the purpose of this Section. As that decision was given during the same session, this amendment cannot be moved now. No doubt, Sir, when you put the question that 'this clause do stand part of the Bill', the House has to vote upon it and then it is quite open to them to throw the whole clause out. But that is not moving an amendment motion.

DEPUTY PRESIDENT: According to you, therefore, that is no amendment ?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): No, it is not.

DEPUTY PRESIDENT: It is a negation of the original principle. He ought not to be allowed to move such amendments which are not

LIBRARY ARCHIVES Kerala Legislative Assembly

real amendments at all. He ought to vote against the section when it is put to vote and if his objection prevails it is open to him to suggest a fresh clause on the lines drafted by him.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): That is another and a second ground. Throwing out the Bill may be done even when this Bill comes up in another session. The ground on which I object now is entirely different. Here Standing Order 22 is applicable. And further there is the broad principle that a principle of the Bill affirmed cannot be reopened by amendment motions. Therefore both on this ground and on the ground that this amendment is a negative motion, I submit that the amendment is not in order.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*); May I ask the Law Member what was exactly the motion that was raised last time—and whether an identical motion in the technical sense has been raised and decided in the previous meeting of the Council?

DEPUTY PRESIDENT: That is not necessary, Mr. Nilakanta Pillai. Under Standing Order 22 it is enough if a substantially identical question is decided. The Council has given a decision on a question in this Session itself, and you cannot by another motion raise a substantially identical question now. Is that not the position, Mr. Kayalam Paramesvaran Pillai?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*); Yes. One portion of it.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): With due deference to the expressions of opinion of the Law Member we, on this side of the House, beg to differ from him because no motion has been raised in the technical sense of the term. When the Bill was introduced, discussion was confined to the principles of the Bill.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*); Was not a question put to the House asking them whether they agreed to the principle of the Bill?

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*); Yes. My point is that with reference to the particular Bill, both the principle and the amendment happen to be the same. Any how, because the learned Law Member has taken his stand on Standing Order No. 22, I may invite your attention to—

DEPUTY PRESIDENT: What was the principle of the Bill? What was the substantially identical question that was decided at the last meeting?

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): The principle of the Bill, as I understood was, whether some authorities who are engaged in the collection of Public Revenue could be invested with the powers of Proverthikars, Tahsildars, or Peishkars as the case may be. It is not as the Law Member wants us to understand whether the Sreepadom employees could be invested with these powers.

LIBRARY ARCHIVES Kerala Legislative Assembly

[Mr. K. P. Nilakanta Pillai.]

Again, Sir, this Bill has been committed to a Select Committee and we are now about to consider the Bill as revised by the Committee. Under Standing Order 38, when a motion has been agreed to by the Council that a Bill be taken into consideration, any member may propose an amendment of such Bill.

DEPUTY PRESIDENT : Mark the word amendment.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*) : The motion before the House is nothing but an amendment moved by Mr Thanu Pillai. We are therefore at complete liberty to propose as many amendments to all the clauses of the Bill or to the Bill generally at this stage.

DEPUTY PRESIDENT : You can.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*) : Even if you differ from the principle of the Bill it cannot prevent us from putting forward amendments provided those amendments do not go against the main principle of the Bill. Now I am at a loss to understand whether this particular amendment asking that the local authorities should not include Sreepadom Palace goes against the main principle of the Bill. I submit that it does not.

DEPUTY PRESIDENT : Even supposing this objection based on Standing Order 22 is overruled, a further question remains to be decided, namely, whether the amendment proposed by Mr. Thanu Pillai is an amendment in the strict sense of the term and whether it is not a negation of the original clause.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*) : Unfortunately, Sir, the Law Member did not put that aspect of the question before the House.

DEPUTY PRESIDENT : That was the second contention of Mr. Paramesvaran Pillai.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*) : Probably the Law Member did not press it as much as he did the first. If the President thinks that the present amendment cuts at the root of the Bill, it is completely within his discretion to rule it out.

DEPUTY PRESIDENT : But before I do that I would like to have a reply to that objection.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*) : It is to that objection that I answer, for my submission even from the very outset was that the present amendment did not go against the main principle of the Bill. As I understand it, the main principle of the Bill is not whether the employees of the Sreepadom Palace should be invested with the powers of certain officers in the matter of collecting revenue. Whether the Sreepadom is cut away from the Bill or not, that is not going to affect the main principle of the Bill, because the Bill stands in tact with reference to other portions of the Bill. In the statement of objects and reasons, it is also explained that the officers of the Municipality generally exercise the rights of the Proverthicars, Tahsildars and Peishkars. But the exercise of that right is questioned. That is the reason why this

LIBRARY ARCHIVES Kerala Legislative Assembly

amending Bill has been brought forward. The main principle of the Bill therefore is not to invest the Sreepadom Palace employees with the powers of certain officers.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): May I draw the attention of the member to the fact that Sreepadom Palace is referred to specifically in the Statement of Objects and Reasons?

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): But that is not all. If this House removes the Sreepadom Palace from the scope of this amending Bill, it does not go against the main principles of the Bill. We are mainly more concerned with the revenues of Municipalities than with those of a private body like the Sreepadam Palace which in a sense is beyond the purview of the discussion of this House. Therefore, the objection has to be very seriously considered.

MR. A. THANU PILLAI (*Trivandrum*): May I say a word by way of reply. It was said that the principle of the Bill was affirmed by the Council, when the Bill was referred to the Select Committee and that means that this amendment is out of order. That I understand is the argument of the Law Member.

DEPUTY PRESIDENT: Not in that broad sense.

MR. A. THANU PILLAI (*Trivandrum*): The question that we have to consider is what was the principle of the Bill that was affirmed by the Council and whether the amendment that is now tabled runs counter to the principle so affirmed. Now, Sir, the principle of the Bill as I understand it was—

DEPUTY PRESIDENT: To delegate statutory powers for the collection of revenue to certain bodies.

MR. A. THANU PILLAI (*Trivandrum*): It was not that, Sir, as I understood it. I shall make myself clear, although, it may not seem acceptable.

DEPUTY PRESIDENT: The substance of the Bill is to confer statutory powers on certain individuals for taking action under the Revenue Recovery Regulation.

MR. A. THANU PILLAI (*Trivandrum*): That is just what I am attempting to do.

The term 'officer' is mentioned in one of the Sections of the Regulation and that Section says 'any officer can be invested with the powers of the Peishkar, or the Tahsildar or the Proverthikar under the Regulation'. The Law Member introduced the Bill now under consideration in order to explain that term 'officer'. And, in the statement of objects and reasons, he says

> "Section 58 of the Revenue Recovery Regulation (I of 1068) empowers Government to invest any officer with the powers of a Peishkar, Tahsildar or Proverthikar under the Regulation. The term 'Officer' is not however defined and doubts have been felt whether any officer of the Sreepadom Palace or of a Municipality could be lawfully invested with the powers. To remove such doubts an explanation is proposed, by this Bill, to be added to Section 58,"

LIBRARY ARCHIVES Kerala Legislative Assembly

[Mr. A. Thanu Pillai.]

Now, what is the principle of the Bill? Doubts in regard to the meaning of the expression 'officer' should be removed and it should be made clear as to what classes of officers can be invested with powers of Peishkar, Tahsildar and Proverthikar under the Regulation. That, I understand, is the principle of the Bill. Therefore when this House accepted the principle of the Bill it has accepted the need for clearing the doubts that had arisen as to the meaning of the term 'officer' in Section 58 of the Revenue Recovery Regulation; and, in thus clearing the doubts, the idea was that it should be laid down as to what class of officers should be invested with the powers of the Peishkar, the Tahsildar or the Proverthikar under the Regulation. That was the object of the Bill. That is the principle of the Bill; and not whether the employees of the Sreepadom Palace or of any other particular institution or office should be invested with those powers. The point of the Bill was whether there was any necessity to make the meaning of the expression 'officer' clear. That is the point; and that point the House has accepted. It does not mean that the Select Committee or this House has not got the power to say that a particular class of officers should not be considered as officers under Section 58 of the Revenue Recovery Regulation. If that question of including or excluding particular set of officers within the meaning of the expression 'officer' was beyond or outside the purview of the Council I should say that this House was foolish in having referred the Bill to a Select Committee. I submit I am perfectly within my right in moving the amendment which stands in my name.

DEPUTY PRESIDENT: The powers of the Select Committee are restricted; but the powers of this House are not restricted; this House can go even behind the decisions of the Select Committee.

MR. A. THANU PILLAI (*Trivandrum*): The Select Committee has also put in a dissenting minute. And, as observed by you, Sir, the powers of the House are not restricted. There is therefore no point in the objection raised by the learned Law Member.

DEPUTY PRESIDENT: Mr. Thanu Pillai, would you modify your amendment so as not to disturb the wording as fixed by the Select Committee? We will adopt the language of the Section as fixed by the Select Committee and then you may propose to add at the end *But this shall not apply to any employee of the Sreepadom Palace.* If you do that, I can split it up and put it to vote. Your sole object seems to be that the explanation in the Bill should not be extended to the employees of the Sreepadom Palace; and that you can achieve even if you agree to my suggestion. As settled by the Select Committee, this is the Explanation:

> "Explanation.—The expression 'officer' includes, for the purposes of this Section, every officer of Our Government and every officer of a Municipality as also every person employed for, engaged in, or responsible for, the collection of any public revenue or the dues of any local authority".

You just accept this and move to add after this.

'This, however shall not extend to employees of the Sreepadom Palace.'

LIBRARY ARCHIVES Kerala Legislative Assembly

Your tacking it on at the end does not weaken your idea. You accept my suggestion, Mr. Thanu Pillai. You see, I have at all events the power to split up your amendment, if I like. It really consists of two parts. We all agree that certain officers should be invested with the powers and that the expression 'officer' should therefore be suitably defined. That is one part. Apparently you too have no objection to that. But you want that it should be made clear that the powers should not be extended to the employees of the Sreepadom Palace. Am I correctly stating your point, Mr. Thanu Pillai?

MR. A. THANU PILLAI (*Trivandrum*): Yes.

DEPUTY PRESIDENT: Then, why not modify your amendment as I have suggested? You just move to add. *'This authority shall not apply to the employees of the Sreepadom Palace'*, or something like that at the end of the clause as settled by the Select Committee. The explanation as settled by the Select Committee does not make any reference to the employees of the Sreepadom Palace. I shall let you move what you want as a separate amendment after the explanation as settled by the Select Committee is disposed of by the House. Are you agreeable, Mr. Thanu Pillai, to my suggestion? I think it would weaken the technical objection raised against your amendment as it now stands without in any way affecting your point.

MR. A. THANU PILLAI (*Trivandrum*): I fail to understand the defect in my amendment as it now stands.

DEPUTY PRESIDENT: In your amendment, as you have proposed it, you are simply re-writing the provision as settled by the Select Committee in a form more objectionable than that of the Committee, while all that you want is to exclude the employees of the Sreepadom Palace from the term 'officer' in the Explanation. You admit you have no objection to the other officers mentioned in the explanation being invested with the powers under the Revenue Recovery Regulation. Then, why not accept the clause as settled by the Select Committee and move for an addition of the provision you want, namely, that *'The explanation shall not, however, apply to officers of the Sreepadom Palace'*?

MR A. THANU PILLAI (*Trivandrum*): As I understood him, the objection of the learned Law Member—

DEPUTY PRESIDENT: Mr. Thanu Pillai, please leave the Law Member to himself for the present, and answer me. I have not so far given my ruling on the point. Before I do so I just wish to know whether you consider that my suggestion does not satisfy the object of your amendment, and, if so, whether you would accept my suggestion. I do not want you to view it as a personal appeal. You are at perfect liberty to accept or reject my suggestion. Personally, I think, without weakening your point, my suggestion would make your amendment less objectionable technically. I want to know your attitude before I give my ruling. If you think, Mr. Thanu Pillai, there is no harm in accepting my suggestion, please tell me. It seems to me that your

LIBRARY ARCHIVES Kerala Legislative Assembly

[Deputy President.]

objection from the start has been only to the employees of the Sreepadom Palace being invested with the powers under the Regulation. Why not bring it in as a separate clause or proviso and move that it should be added on after the explanation as settled by the Select Committee.

MR. A. THANU PILLAI (*Trivandrum*): I have no objection to that.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Before you give your ruling, Sir, I just want to bring to your notice one precedent in support of the general principle I was contending for. This is what it says.

When the Bombay Municipal Bill was before the Bombay Legislative Council on a motion for its second reading, one of the speakers...

MR. A. THANU PILLAI (*Trivandrum*): May I know what he is reading from?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I am reading from a Book on Parliamentary Procedure in India by Daniel Chamier, page 29. This is what is stated:

> "When the Bombay Municipal Bill was before the Bombay Legislative Council on a motion for its 2nd reading one of the speakers mentioned the question of extending the franchise to graduates. The President pointed out that the question ought to have been raised on the motion for 1st reading, and as it had not been then considered it could not be read on motion for 2nd reading. The debate on motion for 1st reading had settled the question that the graduates were not entitled to enjoy the franchise so far as ward elections were concerned. It would be in order for the member to deal with the question of graduates forming a separate constituency like the Chamber of Commerce and so on. But the question of giving graduates the franchise forward elections had been dealt with at 1st reading and a principle had been laid down. It was pointed out that the point had been raised in Select Committee, but the President said he had nothing to do with what had taken place in Select Committee. The principles of a Bill were to be gathered from the Objects and Reasons. The question of bringing in graduates in ward elections had been explicitly referred to in the Objects and Reasons and that question had therefore been settled at 1st reading and could not be dealt with at 2nd reading. But it would be in order to speak about graduates forming a separate constituency and to propose an amendment to that effect.
>
> "Even if the Select Committee had brought in graduates under Clause 4 of the Bill the President said he would have ruled that it was out of order on the ground that the Select Committee had extended the scope and principle of the clause. For the Select Committee could only move within the ambit of the principle affirmed at 1st reading and could not extend the scope of the Bill or of a clause in it".

This ruling may be seen at page 90 of Vol. VI of the Bombay Council Debates. My position in the present instance is exactly similar to that. It has been stated clearly in the Statement of Objects and Reasons that one of the objects of the Bill is that the employees of the Sreepadom Palace should be classed as 'officers' for the purpose of Section 58, and that has been affirmed by this House when the principle of the Bill was affirmed and the Bill was referred to the Select Committee.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): What is the principle of this Bill, Sir, may I know?

LIBRARY ARCHIVES Kerala Legislative Assembly

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I was submitting that the Statement of Objects and Reasons of this Bill clearly stated.....

DEPUTY PRESIDENT: Mr. Paramesvaran Pillai, you can, if you are so inclined, answer Mr. Asan, or, ignore his question altogether if you think it interferes with the current of your thought.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I am answering him, Sir.

The Statement of Objects and Reasons, to the Bill now under consideration, clearly says that the employees of the Sreepadom Palace should be classed in the category of 'officers' for the exercise of the powers under the Regulation. That is, therefore, *one of* the principles affirmed by this House when it referred the Bill to a Select Committee, in the same way as the question of the graduates getting franchise for the Municipal Councils was one of the points raised and rejected by the Bombay Legislative Council in the first reading of the Bombay Municipal Bill. There, at the second reading, that point was not allowed to be re-opened. In the same way, it is now my contention, Sir, on a broad principle that at the second reading of this Bill, a point which formed specifically *one* of the principles affirmed by this House in the first reading should not be reopened in the second reading.

MR. A. THANU PILLAI (*Trivandrum*): May I know what the principle of the Bombay Municipal Bill, now referred to by the Law Member, was?

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): The principle was, or, it included the question of giving franchise for graduates.

DEPUTY PRESIDENT: Was the ruling in Bombay based on any Standing Order like the one that we have here? I am merely asking it for my information.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): That is not clear in the book that I am reading from. If necessary I shall find it out. But the broad principle is there and that is more important.

MR. L. R. RAJA RAJA VARMA KOIL TAMPURAN (*Changanachery cum Perrmade*): ഇൻസ്ട്രൂഡക്ഷനിൽ പലപ്രിൻസിപ്പിളും ഉണ്ടെങ്കിലും ഒരു പ്രിൻസിപ്പിളിനുവേണ്ടി മാത്രം ബിൽ ആദ്യമേ തള്ളാൻ സാധിക്കുമോ? ഓരോ ക്ലാസായിട്ട് എടുത്തു വോട്ടുചെയ്യാൻ സെക്കൻറ് റീഡിങ്ങിലല്ലാതെ സാധിക്കുമോ?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): സെക്കൻറ് റീഡിങ്ങിൽ അമൻറുമെൻറു കൊണ്ടുവന്നു പ്രിൻസിപ്പിളം മാറാൻ സാധിക്കുകയില്ല.

DEPUTY PRESIDENT: Mr. Raja Raja Varma Koiltampuran, if the House is against any point or principle contained in the Statement of

LIBRARY ARCHIVES Kerala Legislative Assembly

[Deputy President.]

Objects and Reasons it should direct the Select Committee, when the Bill is referred, not to go into that point. The Select Committee cannot go into questions which the House has excluded from the purview of the Committee.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): The only principle that was affirmed by the House when this Bill was referred to the Select Committee was that there was need to lay down clearly and definitely the meaning of the expression 'officer' for the purpose of exercising the powers of the Peishkar, the Tahsildar and the Proverthikar under the Revenue Recovery Regulation.

DEPUTY PRESIDENT: That is how *you* view it; but Mr. Paramesvaran Pillai contends that the question of investing the employees of the Sreepadom Palace with the powers under the Revenue Recovery Regulation was one of the most important points of this Bill, and that, if the House was so keen on this matter, it might have thrown out the whole Bill and need not have referred it to a Select Committee.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*); This particular point about the employees of the Sreepadom Palace was left open; and the committee was asked to consider the Bill the object of which was to define the expression 'officer' in Section 58 of the Revenue Recovery Regulation.

DEPUTY PRESIDENT: The Select Committee seems to have simply dealt with the *wording* of the Sections. They have not done anything with the principle of the Bill.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): Standing Order No. 31, parts (1), (2) and (3) say:

'(1) At any time after a Bill has been published in the Gazette, the member in charge of the Bill may introduce it.

(2) When introducing a Bill the member in charge of it shall move that the Bill be read in Council.

(3) If the motion be seconded, the principle of the Bill and its *General* provisions may then be *discussed* and, if the motion be carried, the Secretary shall read the title of the Bill'.

All that is stated is that the *general* provisions and the *principles* may be discussed, and that, if the motion for introduction is carried, the Secretary shall read the title of the Bill. Only a discussion of the principle and of the *general* provisions of it is intended.

DEPUTY PRESIDENT: It is not merely an academical discussion of the principle and the provisions of the Bill that is contemplated, but a discussion and affirmation of the principle of the Bill. The affirmation is the more important part of it.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): The principle of the Bill was discussed and affirmed by the House and that was that the meaning of the term 'officer' should not be left in doubt but should be clearly defined. The specific question about the employees

LIBRARY ARCHIVES Kerala Legislative Assembly

of the Sreepadom Palace was only an illustration, one of the several instances in which doubts had arisen as to the applicability of the expression 'officer'. The House *has* affirmed that it was absolutely necessary to *define* the term 'officer' clearly. My submission is, Sir, that such of us as wanted clearly to exclude the employees of the Sreepadom Palace from the term 'officer' were even more particular in affirming the principle of the Bill and in clearly defining the expression 'officer' so as not to include the employees of the Sreepadom Palace, than those who wanted these employees to be covered by the expression 'officer'. That there was doubt as to the meaning of the term 'officer' was admitted on all hands ; and if that doubt was allowed to continue it would have been bad also in the interests of those who are very particular of excluding these employees of the Sreepadom Palace from the term 'officer'. We were therefore very particular of affirming the principle of the Bill. Certainly, it cannot therefore now be argued that, because we affirmed the principle of the Bill and wanted to clear doubts as to the meaning of the term 'officer', we had affirmed or given our assent also to one of the many specific *individual instances* given in the statement of objects and Reasons attached to the Bill. As a matter of fact, it was because we had the doubt that the term 'officer' may, on account of the absence of a clear definition, be interpreted to include the employees of the Sreepadom Palace also that most of us affirmed the principle of the Bill. If it had then been made clear that the only object of the Bill was to invest the Sreepadom employees with the powers of the Peishkar, Tahsildar and the Provertikar under the Revenue Recovery Regulation, we would all have stoutly opposed the Bill and thrown it out.

DEPUTY PRESIDENT : The majority of the House may now say that they supported the principle of the Bill and referred it to a Select Committee with the object of unambiguously and undoubtedly excluding the employees of the Sreepadom Palace from the meaning or definition of the term 'officer' in Section 58 of the Revenue Recovery Regulation. And, Mr. Paramesvaran Pillai, on the other hand, may say that the chief object of the Bill was to invest the employees of the Sreepadom Palace with those powers under the Revenue Recovery Regulation, and that that had been made clear to the House by the statement of Objects and Reasons, and also otherwise. There is not much good in our wasting our time and energy in that direction now.

The only question now is whether, even supposing that a decision had been reached by the House on a particular point on a previous occasion, the House is permanently estopped from reviewing it. Certainly, it is not open to Select Committees to go behind the principle or principles affirmed by this House. But, to this House, it is open to go behind the principle affirmed and even to throw out the whole Bill.

Mr. Paramesvaran Pillai, your objection to the amendment of Mr Thanu Pillai as it stands is twofold. One is that Standing OrderNo. 22 lays down that a matter that had been dealt with substantially at an earlier sitting of a particular session cannot be reopened at a later sitting of the very same session. No doubt, that forms part of the general rules

LIBRARY ARCHIVES Kerala Legislative Assembly

[Deputy President.]

of procedure laid down by the Standing Orders. But, I think, with reference to legislation generally, it *is* open to the House, *at any stage*, to go against any earlier decision reached by the Council. Mr. Paramesvaran Pillai argues that that could be possible only when the House meets in a different *session* and not in another *sitting of the same session*. He has drawn my attention to a ruling of the Bombay Legislative Council wherein the President seems to have held that, the question of graduates' franchise having been dealt with at some length at the time of the introduction of the Bill, it was not open to the House at the time of the second reading of the Municipal Regulation to go against the earlier decision of the House. The question is not free from difficulty. I am not, however, prepared, in the absence of detailed information with reference to the circumstances which led to that ruling of the Bombay Legislature, to adopt it in the present instance.

The one other argument which Mr. Paramesvaran Pillai advanced against the amendment was that, in substance, it was no amendment but a negation of the clause and of the principle of the Bill as affirmed by this Council. I am prepared to concede that there is some force in that argument.

If Mr. Thanu Pillai will agree to adopt the language of the Explanation as fixed by the Select Committee and then move to add a rider that '*This, however, shall not apply to the officers of the Sripadom Palace*' then, it cannot be said to be a negation of the clause as fixed by the Select Committee. At this stage, I do not feel tempted to go into the several arguments advanced for and against the inclusion of the employees of the Sreepadom Estate in the category of officers mentioned in the explanation now in question. The Explanation, as finally settled by the Select Committee, does not make any reference to the employees of the Sreepadom Estate at all. It simply proposes to empower persons who have been engaged in the collection of public revenue till now to be brought under the category of officers mentioned in Section 58 of the Revenue Recovery Regulation. Under the provisions of that Regulation, Sreepadom revenue has been declared as 'public revenue'. I think, as a matter of policy and expediency, it would be desirable that the House should empower the authorities employed by the Sreepadom Palace for the collection of their revenue (which, as I have already pointed out, has been declared to be public revenue), to exercise the powers of Government Revenue officers under the Revenue Recovery Regulation, at least in cases where the Government are satisfied that such vesting of power would not be detrimental to the interests of the public. I am not, at this stage, for dealing with the merits of that question of policy.

If, therefore, Mr. Thanu Pillai would agree to his proposed change, in the explanation as settled by the Select Committee, being brought in

LIBRARY ARCHIVES Kerala Legislative Assembly

as an addition at the end of the explanation, I am prepared to allow him to move it as an amendment. Will you give me your answer, Mr. Thanu Pillai, when we meet after lunch?

MR. A. THANU PILLAI (*Trivandrum*): I have.....

DEPUTY PRESIDENT: You may think over my suggestion and take the sense of your colleagues if you think it necessary. I am not throwing any obstacle or difficulty in your way. I want to give you an opportunity to take the sense of the House on the merits of this question. I am not particular that you must give me your answer offhand. If honestly you think that my suggestion would seriously prejudice your amendment, then you need not argue the question further. I shall have to rule your amendment out on account of the technical objections already explained. If, on the other hand, you think there is nothing dangerous in my suggestion, we shall discuss the question, in detail, free from any technical objection, on its merits.

MR. A. THANU PILLAI (*Trivandrum*): I do not find any objection in accepting your suggestion.

DEPUTY PRESIDENT: Then instead of your present amendment, you simply say;

'Add at the end of the Explanation :—
'But the expression "*officer*" shall not include the employees of the Sreepadom Palace.'

MR. A. THANU PILLAI (*Trivandrum*): I have no objection to move it like that.

DEPUTY PRESIDENT: I shall permit you to move it formally when we meet after lunch. It can no longer be considered a negation of the original clause. The technical objection ceases to exist.

The Council adjourned for lunch at 2 P. M. and met again at 2-45 P. M.

DEPUTY PRESIDENT: Mr. Paramesvaran Pillai, you may move the amended Bill formally.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I have already moved the second reading.

DEPUTY PRESIDENT: I suppose the House has no objection to accept this portion of the explanation as settled by the Select Committee with the amendment already accepted. The explanation reads:— 'The expresison "officer" means and includes, for the purposes of this Section every officer of Our Government and every officer of a Municipality as also every person employed for, engaged in, or responsible for the collection of any public revenue or the dues of any local authority.' May I take that the House agrees to this?

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): My submission is, that the amendment has to be considered.

DEPUTY PRESIDENT: It is not an amendment; but it is an addition. I allow Mr. Thanu Pillai to move it as an addition.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*); Then the whole Bill has to be voted upon.

LIBRARY ARCHIVES Kerala Legislative Assembly

DEPUTY PRESIDENT: I am just asking whether, you have any objection to accept this. I have permitted Mr. Thanu Pillai to move it as an addition.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): Sir, I have a word to say.

DEPUTY PRESIDENT: That is to say, you want me to consider Mr. Thanu Pillai's addition first, before the explanation is put to vote?

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): I wish to know whether, when this House wants to accept this clause and if Mr. Thanu Pillai's amendment is lost, we are entitled to vote upon this clause again?

DEPUTY PRESIDENT: That is to say, I understand you to suggest that you wish to make certain alterations in this, in case his amendment is not accepted. If you have any such idea, I shall not put it to vote now.

MR. A. THANU PILLAI (*Trivandrum*): Sir, I beg to move that the following be added at the end of the explanation as settled by the Select Committee:

'But not any employee of the Sreepadom Palace.'

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): I second it.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I oppose the amendment. I have already said on a previous occasion, rather, on more than one occasion, that there could be no objection whatever, in conferring powers on the employees of the Sreepadom Palace. Nothing has yet been urged to-day, against that view, by the mover of the amendment, and I also have nothing to say now. I would only remind the House, of what I had already said on previous occasions.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): Sir, I support the amendment moved by Mr. Thanu Pillai.

MR. S. PIRAVIPERUMAL PILLAI (*Commerce and Industry, South*): Will the member please read the clause as amended?

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): The clause reads thus:

> "The expression 'officer' means and includes for the purposes of this Section, every officer of our Government and every officer of a Municipality or of any other local authority but not any employee of the Sreepadom Palace.

While considering the object of this amendment, many members on this side of the House should not lose sight of the importance of this proposed amendment. It is with that view I support this amendment. Of course, we had a good deal of discussion about that, when the Bill was introduced for the first time. The dangerous character of the Bill if passed without this amendment, has to be borne in mind. Without this amendment we will be enacting a piece of legislation which will invest subordinate officers of the Sreepadom Palace, whether they are ill

LIBRARY ARCHIVES Kerala Legislative Assembly

or well qualified, with certain powers which will enable them to attach both movable and immovable properties for arrears of revenue due to the Sreepadom Palace which is not recognised as a local authority but only as a private body. Even under the existing arrangement, when there is the Dewan Peishkar, Tahsildar and other officers above them, we can more or less realise the hardship which the poor cultivators are put to, when attachments are effected by ordinary Proverthikar in regard to movables and immovables for arrears of revenue. This is more dangerous, because, with reference to Proverthikars and Tahsildars, for their acts of unfairness or any other illegal acts, we can prefer appeals and revisions to the authorities concerned. But in the case of Sreepadom Palace Officers we are helpless.

DEPUTY PRESIDENT: How is that?

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): I will explain. It is with reference to the constitutional aspect of the question I want to speak when supporting this amendment. By passing this clause without the proposed amendment, we will be creating a class of officers who can neither be controlled nor criticised by the Legislative Council. This is the most important aspect of the problem which we members on this side of the House are confronted with. The main object of this council is to enact measures which must be allowed to be freely criticised both by the general public and by the press. And the Executive authority, or authorities who are enabled to carry on legislation, should not be beyond the control and the criticism of this House. By allowing this clause to be passed without the proposed amendment, we will be surrendering our right of criticism or control. At the same time, we are creating a set of employees and we are investing them with certain powers which are beyond the control of this Legislative Council. This is the constitutional aspect of the question I want to refer.

DEPUTY PRESIDENT: Mr. Nilakanta Pillai, by the passing of this legislation we are not investing the employees of the Sreepadom Palace with these powers. We are only empowering Government to delegate these powers. So the liability of the Government to be brought under criticism by this House remains.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): Of course, the Executive authority is invested with certain powers. I have not lost sight of that fact. We can understand that. But we must understand that the Sripadom Palace is an institution, a corporation, which is beyond the criticism of this House. Therefore, even the executive authority may either by oversight or by deliberate action invest disquailfied people with the powers of a Tahsildar or a Proverthicar and they may misuse these powers, or conduct in a very bad way. At that time, this House cannot relevantly and cogently criticise the actions, of the Sreepadom Palace employees, for the simple reason, they are being controlled by a body which is beyond the purview of this House.

LIBRARY ARCHIVES Kerala Legislative Assembly

[Mr. K. P. Nilakanta Pillai.]

Again we must understand that under the existing arrangement no difficulty at all is felt for the collection of revenues due to the Sreepadom Palace. I am quite sure, that the members are aware, that even Magistrates and Tahsildars who are taken away from the Government Service to the Service of the Sreepadom Palace, are not invested with the authority of Tahsildar or Peishkar even though they are qualified men, not because the authorities doubted their power to invest them with that power; but as a matter of convention, that is not resorted to. Even the existing Manager of the Sreepadom Palace is not invested with the powers of the Proverthikar to attach the properties for the realisation of the dues. After all, there is not much difficulty to be felt by the Sreepadom Palace employees in the matter of realising their dues. A major portion of the revenues is in the five pakuties of the Chirayinkil taluk. There are some properties in South Travancore also. In every taluk there is a Tahsildar for realising Government revenue. If any dues remain to be collected by the Palace employees the matter could be rported to the Tahsildar and with the intervention of this gentleman properties could be attached or sold, or some other speedier measures could be resorted to for the realisation of the dues. So from the practical side of the question also there is no difficulty at all to be felt.

Then I ask the question what is the necessity for bringing in such a legislation. Of course, when the principle of the Bill was discussed, when the Bill was introduced, as the Law Member explained, we never thought that the most important principle of the Bill is the one under discussion. If the main principle of the Bill is, as the Law Member explained just now, to invest the Sreepadom employees with the powers of Dewan Peishkars, Tahsildars and Proverthikars, as the case may be, I submit, on that we have to differ from the Law Member and Mr. Thanu Pillai's amendment at any cost has to be tacked on to the main clause. Another point I have to suggest is this. From the point of view of the cultivators, if the Sreepadom employees are invested with such powers, it will create unnecessary difficulties because the Palace employees are beyond the criticism of the Legislative Council and they are not subject to the disciplinary control of the Executive Government. We have to realise the importance of the position, the difficulties which the poor cultivators have to undergo. All these aspects have to be considered and I request the members on this side of the House to seriously think of this. Now it may be all right, because a necessity has been felt by somebody that the Sreepadom employees should be invested with the powers of a Tahsildar or Dewan Peishkar. Therefore we are allowed to discuss it here. But, hereafter, we may not be allowed to discuss Sreepadom matters at all. Therefore we ought to be very careful and doubly cautious regarding the clause under discussion. With these few words, I support the addition moved by Mr. Thanu Pillai.

LIBRARY ARCHIVES Kerala Legislative Assembly

MR. S. PIRAVIPERUMAL PILLAI (*Commerce and Industry, South*) : Sir, speaking on the amendment proposed by Mr. Thanu Pillai, I asked my friend Mr. K. P. Nilakanta Pillai to read the clause with the amendment. But he did not do it. Now, what I understood was, that the amendment and explanation as passed by the Select Committee, is to stand, *i.e.*, 'but not any employee of the Sripadom Palace" to be added at the end. The explanation as amended will read thus.

'The expression "officer" means and includes for the purposes of this Section, every officer of Our Government and every officer of a Municipality, as also every person employed for, engaged in, or responsible for the collection of any public revenue, but not any employee of the Sreepadom Palace.'

The clause as it is amended is contradictory.

DEPUTY PRESIDENT : Please read the clause as a whole and not bit by bit.

MR. S. PIRAVIPERUMAL PILLAI (*Commerce and Industry, South*) : In one portion of the clause it is said that persons employed in the collection of public revenue are included in the term 'officer', and what is the fun of saying 'but not a Sreepadom officer.' We have conceded that Sreepadom revenue as public revenue.

DEPUTY PRESIDENT : But Mr. Thanu Pillai will exclude them from the array of officers who are engaged in the work of collection.

MR. S. PIRAVIPERUMAL PILLAI (*Commerce and Industry, South*) : But it includes persons who are engaged in collecting public revenue.

DEPUTY PRESIDENT : That is a generic term.

MR. S. PIRAVIPERUMAL PILLAI (*Commerce and Industry, South*) : Is it to be understood that the persons employed for, or engaged in, the collection of public revenue should—

DEPUTY PRESIDENT : Subject to this reservation, that Sreepadom officers will not come in this category.

MR. S. PIRAVIPERUMAL PILLAI (*Commerce and Industry, South*) : Then it is alright.

MR. R. RAMAN PILLAI (*Kottayam*): സർ, മി: താണുപിള്ള യുടെ ഭേദഗതിയോട് ഞാൻ അനുകൂലിക്കുന്നു. ശ്രീപാദം എന്നുള്ളതു കൊട്ടാരത്തിന്റെ ഒരംശമാണ് എന്നുള്ളതിനെപ്പറ്റി തർക്കം ഉണ്ടായിരിക്കും എന്നു തോന്നുന്നില്ല. കൊട്ടാരത്തെ സംബന്ധിച്ചു യാതൊരു നിയമവും ഉണ്ടാക്കുന്നതിന് ഈ നിയമസഭക്ക് നിയമസഭാഗ്രഹേഷൻ അനുസരിച്ച് അധികാരമില്ല. അങ്ങനെയിരിക്കെ ശ്രീപാദംവക വസ്തുക്കളെ സംബന്ധിച്ചു നിയമം ഉണ്ടാക്കുന്നതിന് ഈ നിയമസഭയ്ക്ക് അധികാരം ഉണ്ടോ? അങ്ങനെ ഇല്ലാതിരിക്കെ ഒരു നിയമം ഉണ്ടാക്കുന്നതു ശരിയാണോ?

LIBRARY ARCHIVES Kerala Legislative Assembly

DEPUTY PRESIDENT: റവന്യൂറക്വറിറ്റ്രുലേഷനെസംബന്ധിച്ച് ഒരു ഭേദഗതി വരുത്താൻ ഈ കൌൺസിലിന് അധികാരമുണ്ടെന്നു കഴിഞ്ഞ കൌൺസിൽ മീറ്റിംഗിൽ തീർച്ചപ്പെടുത്തിയിട്ടുണ്ട്.

MR. R. RAMAN PILLAI (*Kottayam*): പടിപടിയായി മേലധികാരം ഉള്ള ഇന്നത്തെ റവന്യൂഡിപ്പാർട്ടുമെൻറിൽ പല കുഴപ്പങ്ങളും ഉണ്ടാകുന്നുണ്ട്. ഒരു പാവപ്പെട്ട കുടിയാൻ ഏതെങ്കിലും തെറ്റുണ്ടെങ്കിൽ പാവപ്പെട്ട കുടിയാരുടെ മേലധികാരിയായ തഹശീൽദാരുടെ അടുത്തും, തഹശീൽദാർ തെറ്റുചെയ്യുന്നുവെങ്കിൽ തഹശീൽദാരുടെ മേലധികാരിയായ പേഷ്കാരുടെ അടുത്തും, പേഷ്കാർ ഏതെങ്കിലും ന്യായക്കേടു പ്രവർത്തിക്കുന്നു എങ്കിൽ ലാൻറ്റവന്യൂകമ്മീഷണരുടെ അടുത്തും പോയി വേണ്ട പരിഹാരം ഉണ്ടാക്കുന്നതിനുള്ള അവകാശം ജനങ്ങൾക്കുണ്ടായിരുന്നിട്ടും പലപ്പോഴും പാൻവപ്പെട്ട കുടിയാന്മാർ തഹശീൽദാരുടെ അനുവാദംകൂടാതെ അക്രമമായി വസ്തുക്കളെ ജപ്തിചെയ്യുകയും തഹശീൽദാരന്മാരുടെ സഹായംകൊണ്ട് അതിൽനിന്നും രക്ഷപ്പെടുകയും ചെയ്യുന്നുണ്ട്. ഈ ശ്രീപാദം ഉദ്യോഗസ്ഥന്മാരുടെ പ്രവർത്തിയ്ക്കുമേൽ യാതൊരു അപ്പീലും ഇല്ല. കോടതിമാത്രമെ ഉള്ളൂ. ഇങ്ങനെയിരിക്കുന്ന സ്ഥിതിയ്ക്ക്—

DEPUTY PRESIDENT: മി. രാമൻപിള്ള പറഞ്ഞതിൽനിന്നും ഞാൻ മനസ്സിലാക്കുന്നത് ശ്രീപാദം ഉദ്യോഗസ്ഥന്മാർക്ക് ഈ അധികാരം കൊടുത്താൽ തഹശീൽദാർ, പേഷ്കാർ, റവന്യൂകമ്മീഷണർ ഇവരുടെ ശാസനകളെ അനുസരിച്ച് അവർ പ്രവർത്തിക്കണമെന്നാണ്. അങ്ങനെതന്നെ നടക്കും.

MR. R. RAMAN PILLAI (*Kottayam*): ഇതുവരെ യാതൊരു നിയമം കൊണ്ടും ശാസനകളിൽ ഉൾപ്പെട്ട നടക്കുന്നില്ല.

DEPUTY PRESIDENT: ഈ നിയമംകൊണ്ട് അങ്ങനെ വരുത്താൻ ഉദ്ദേശിക്കുന്നുണ്ട്.

MR. R. RAMAN PILLAI (*Kottayam*): അങ്ങനെ വരുമോഎന്ന് എനിക്കു സംശയമാണ്. ഇങ്ങനെ മേലധികാരികൾക്ക് ഇവരെ ഭരിക്കുന്നതിന് അധികാരമുള്ളതുകാലത്തോളം—മേലധികാരികൾക്ക് അതിലേക്കു ചുമതല ഇല്ലാത്ത കാലത്തോളം—ശ്രീപാദം ഉദ്യോഗസ്ഥന്മാർക്ക് ഈ അധികാരം കൊടുക്കുന്നതു നല്ലതല്ല. അതുകൊണ്ടു മി. താണുപിള്ളയുടെ ഭേദഗതിയെ ഞാൻ അനുകൂലിക്കുന്നു.

MR. A. G. MENON (*Parur*): I beg to support Mr. Thanu Pillai's amendment on different grounds. In my view, this Legislature should

LIBRARY ARCHIVES Kerala Legislative Assembly

not have come in to help any person, whether an individual or a body corporate who, in collecting their dues, does not conform to the rules by which revenues are levied and collected by Government. In fact, I understand, in the matter of Sreepadom properties they levy not according to rates adopted by Government.

DEPUTY PRESIDENT: Is it not settlement rates?

MR. A. G. MENON (*Parur*): They collect revenues in kind and that works at higher rates than the standard rates.

DEPUTY PRESIDENT: Is it different from the one fixed in the settlement rates?

MR. A. G. MENON (*Parur*): Suppose, according to Government rate, only 6 paras of paddy is to be collected, more is levied and collected. That is the thing. So long as they differ—I do not particularly refer to Sripadom, Edapally or the Punjar Chief—we should not interfere with a body corporate who does not act according to the rates fixed by the Government. I believe, Government have laid down certain rules to be followed in the matter of the collection of dues. That is my view also. So, the amendment of Mr. Thanu Pillai is quite proper.

MR. R. KESAVA PILLAI (*Kottarakara* cum *Kunnattur*): I also support the amendment moved by Mr. Thanu Pillai. This Council is a public body. Now, it is called upon to legislate for a private body. I do not think that the Sripadom Palace forms part of the Palace of Travancore which is a limb of the Travancore Government. If it were so, then there would have been some meaning in calling upon us to legislate a measure which would be to their benefit. Now, the revenue collected by the Sripadom Palace is solely utilised by that private body for its own sake. Not a single cash of the revenue they collect is spent for the people of those pakuties from which the revenue is got. On the other hand, if it were public revenue, they would have been utilised for securing the life and property of the people who reside in that pakuti.

DEPUTY PRESIDENT: In the proposed Jenmi and Kudiyan Bill, you authorise Government to start proceedings under the Revenue Recovery Regulation to get the jenmies' michavaram collected. Is that right according to the position now taken by you?

MR. R. KESAVA PILLAI (*Kottarakara* cum *Kunnattur*): That is a matter affecting the Jenmies and Kudiyans.

DEPUTY PRESIDENT: There also, the money collected is not spent for puclic purposes.

MR. R. KESAVA PILLAI (*Kottarakara* cum *Kunnattur*): But the Kudiyans have occupancy and other rights.

DEPUTY PRESIDENT: That is to say, permanent right of occupancy.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): But, is any Kariasthan of the Jenmi authorised to collect dues?

MR. R. KESAVA PILLAI (*Kottarakara* cum *Kunnattur*): No, that is only fair.

LIBRARY ARCHIVES Kerala Legislative Assembly

MR. L. R. RAJA RAJA VARMA KOIL TAMPURAN (*Changanachery* cum *Peermade*): ജന്മികുടിയാൻ റഗുലേഷൻ ഈ കൌൺസിലിൽ പാസാ യിട്ടുണ്ടോ ?

MR. R. KESAVA PILLAI (*Kottarakara* cum *Kunnattur*): The occupancy right of the Sripadom Palace is left to their discretion. They can effect it at any moment. If we carry on such legislation to-day, tomorrow we may be called upon to legislate for the Edappalli and Punjar Chiefs. When we legislate like that, we do not know the steps on which we may have to proceed further. This legislation is not at all conjoining with the functions of the Legislative Council. Then the other argument which I have to say is that Sripadom is not a sovereign body. Only sovereign bodies and similar institutions can be called upon to enact measures for the purpose of carrying on administration. When it is not a sovereign body, it should not have been called upon to enact a measure which is purely beneficial to a private body, or rather, who occupies a position similar to that of a private individual.

Then, we have to consider another aspect also. We are vesting these officers with certain powers. If they misuse those powers, then there is no higher body to question them.

DEPUTY PRESIDENT: How do you say that?

MR. R. KESAVA PILLAI (*Kottarakara* cum *Kunnattur*): There are the Tahsildars and higher authorities in other departments. If they commit mistakes, they can be called upon to set right matters. But in the case of Sreepadom employees, the matter is different.

DEPUTY PRESIDENT: Here also the same procedure may be adopted just as other Tahsildars are asked to explain.

MR. R. KESAVA PILLAI (*Kottarakara* cum *Kunnattur*): So far as departmental Tahsildars are concerned, there is a higher authority to question them. In the case of Sreepadom employees there is no court of law, to redress grievances of the aggrieved persons.

DEPUTY PRESIDENT: There is.

MR. R. KESAVA PILLAI (*Kottarakara* cum *Kunnattur*): Kudiyans are supposed to be in a worse footing.

DEPUTY PRESIDENT: The Sreepadom Palace employees also are to be guided by rules.

MR. R. KESAVA PILLAI (*Kottarakara* cum *Kunnattur*): But if anything illegal is committed we have no control over them.

DEPUTY PRESIDENT: They are amenable to the law as it is.

MR. R. KESAVA PILLAI (*Kottarakara* cum *Kunnattur*): But there is no opportunity to proceed against them and the higher officers.

DEPUTY PRESIDENT: What do you mean by the term 'higher officers'?

MR. R. KESAVA PILLAI (*Kottarakara* cum *Kunnattur*): Higher officers, meaning Dewan Peishkars and Land Revenue Commissioner,

LIBRARY ARCHIVES Kerala Legislative Assembly

DEPUTY PRESIDENT : I do not want to interrupt your speech. But I wish to say that the position was not correctly grasped. Except in the matter of empowering some officers with certain powers it is not proposed by the Bill to call into existence a new body of officers above all control and above all laws. Our Peishkars, our Land Revenue Commissioner and our Government will have the very same powers under the laws that they now have.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*) : The Land Revenue Commissioner is impotent in the matter because the Sreepadom Palace is not under his control.

DEPUTY PRESIDENT : The Sreepadom Palace cannot invest anybody with any power. It must be done by the Government.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*) : Under the law no appeal or revision lies to the Land Revenue Commissioner or the Government. They are helpless.

DEPUTY PRESIDENT : These Tahsildars or Proverthicars specially empowered by Government are subject to the appellate and revisional jurisdiction of the Dewan Peishkars and the Land Revenue Commissioner as in all other cases. Perhaps they cannot suspend or dismiss them. But so far as the appellate and revisional jurisdiction are concerned, the Dewan Peishkars and the Land Revenue Commissioner are in the very same position. Of course you may oppose the extension of the powers on other grounds. All I say is that there is no use of ignoring the provisions of the Revenue Recovery Regulation.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*) : That aspect has to be cleared. If some immovable property is auctioned by the Peishkar or the Sreepadom Manager, I ask the question whether under the existing law the Land Revenue Commissioner can sit in judgment over it?

DEPUTY PRESIDENT : The Sreepadom Manager cannot direct the sale of any property.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*) : When the Manager of the Sreepadom Palace is invested with the power by Government he can do it without asking the Dewan Peishkar.

DEPUTY PRESIDENT : Quite so.

MR. P. S. MAHOMED (*Nominated*) : സർ, മി. താണുപിള്ളയുടെ അമൻറുമെൻറിൽനിന്നും ഒരു സംഗതിയാണ് മനസ്സിലാക്കാൻ സാധിക്കുന്നത്. അതായത് പബ്ളിക്ക റവന്യൂ പിരിക്കുന്ന എല്ലാഅളുകൾക്കും ഈ അധികാരം നൽകാമെന്നാണ്. എന്നാൽ ശ്രീപാദം ഉദ്യോഗസ്ഥന്മാക്ക് ശ്രീപാദംവകയായ പബ്ളിക്കറവന്യൂ പിരിക്കുന്ന സംഗതിയിൽ ഈ അധികാരം കൊടുക്കാൻ പാടില്ലെന്നും പറയുന്നുണ്ട്. അതിലേക്ക അദ്ദേഹംപറയുന്ന സമാധാനം ശ്രീപാദം ഉദ്യോഗസ്ഥന്മാർ ഈ അധികാരം വഹിക്കുന്നതിന തക്ക യോഗ്യതയുള്ളവരല്ലായിരിക്കാമെന്നാണ്. ഈ അധികാരം നൽകുന്നത് ഗവണ്മെൻറാണ് എന്നുള്ളതിൽ യാതൊ

LIBRARY ARCHIVES Kerala Legislative Assembly

[Mr. P. S. Mahomed.]

രുസംശയവുമില്ല. ആ സ്ഥിതിക്കു യോഗ്യന്മാരെന്നോക്കി അധികാരം നൽകാനുള്ള ചുമതല ഗവൺമെൻറിന് ഉണ്ടായിരിക്കുന്നതാണ്. ഗവണ്മെന്റു് അങ്ങനെ ചെയ്യാതേയിരുന്നാൽ ഗവൺമെൻറിനോടു് അതിനെപ്പറ്റി ചോദിക്കാനുള്ള അധികാരം ഈ സഭയ്ക്കുണ്ടു്.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): അധികാരം കൊടുക്കുന്നതു് ഒരു പ്രത്യേകവ്യക്തിയ്ക്കോ അതല്ല ഒരു സ്ഥാനത്തിനൊ അതായതു ശ്രീപാദത്തു ഇതു സ്ഥാനമുണ്ടെന്നു നിർണ്ണയിച്ചു ആ സ്ഥാനത്തിനു കൊടുക്കണൊ അതല്ല ഇന്ന സ്ഥലത്തെ അധികാരി ഏന്നുനോക്കി ആ ആളിനു കൊടുക്കണൊ ഏതാണു വേണ്ടതു്?

MR. P. S. MAHOMED (*Nominated*): രണ്ടു പ്രകാരത്തിലും ചെയ്യാൻ ഗവണ്മെൻറിനു അധികാരമുണ്ടു്.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): ഒരു നാമത്തിനു ഈ അധികാരം കൊടുത്താൽ ആ നാമത്തിനു ഇന്നയിന്ന യോഗ്യതകൾ ഉണ്ടായിരിക്കണമെന്നും നിർബന്ധം വേണ്ടേ?

MR. P. S. MAHOMED (*Nominated*): ഒരു നാമത്തിനായിട്ടു ഗവണ്മെൻറിൽ നിന്നു അധികാരം കൊടുക്കുകയില്ല. ശ്രീപാദം സംബന്ധിച്ചു പറയുകയാണെങ്കിൽ ഏതെങ്കിലും ഒരു ഉദ്യോഗസ്ഥനു ഒരധികാരം കൊടുത്താൽ അയാൾ അതു ദുരുപയോഗപ്പെടുത്തുന്നപക്ഷം തിരുത്തി എടുക്കാനുള്ള അധികാരവും ഗവണ്മെൻറിനുണ്ടു്.

MR. R. RAMAN PILLAI (*Kottayam*): ഇങ്ങനെ ഒരു നിയമം പാസാ യി കഴിഞ്ഞാൽ ഈ അധികാരം ഗവണ്മെൻറിൽ നിന്നും പ്രത്യേകം എഴുതികൊടുക്കേണ്ട ആവശ്യമുണ്ടോ?

MR. P. S. MAHOMED (*Nominated*): അധികാരം കൊടുക്കുന്ന വിഷയത്തിൽ ഗവണ്മെൻറിൽനിന്നും അധികാരപ്പെടുത്തുകതന്നെ വേണം. മജിസ്ട്രേട്ടിനും മറും ഒരു അധികാരം കൊടുക്കുന്നതു പ്രത്യേകം എഴുതി അധികാരപ്പെടുത്തിയിട്ടാണല്ലോ.

ഏതായാലും ഈ അധികാരം മറ്റുള്ള എല്ലാ സ്ഥാപനങ്ങൾക്കും കൊടുക്കുന്നതിൽ തടസ്ഥമില്ലാതെയിരിക്കേ ശ്രീപാദം ഉദ്യോഗസ്ഥന്മാക്കു കൊടുക്കുന്നതിൽ മാത്രം തടസ്ഥം പറയുന്നതു് ശരിയല്ല.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): മറ്റേതെല്ലാം സ്ഥാപനങ്ങൾക്കാണു ഈ അധികാരം കൊടുക്കാമെന്നു പറഞ്ഞിട്ടുള്ളതു്?

LIBRARY ARCHIVES Kerala Legislative Assembly

MR. P. S. MAHOMED (*Nominated*): പബ്ലിക്ക് റവന്യൂ എവിടെയെല്ലാം ഉണ്ടോ അവിടെയെല്ലാം ഈ അധികാരം കൊടുക്കാമെന്നു പറഞ്ഞിട്ടുണ്ട്.

MR. R. RAMAN PILLAI (*Kottayam*): ദേവസ്വം അധികാരികൾക്കു കൊടുക്കാമോ?

MR. P. S. MAHOMED (*Nominated*): എല്ലാവർക്കും കൊടുക്കാം.

MR. A. G. MENON (*Parur*): ശ്രീപാദം റവന്യൂ പബ്ലിക്ക് റവന്യൂ വാണോ?

MR. P. S. MAHOMED (*Nominated*): എനിക്കു പറയാനുള്ളതു മുഴുവൻ ഞാൻ പറയട്ടെ.

പബ്ലിക്ക് റവന്യൂ എവിടെയെല്ലാമുണ്ടോ അവിടെയുള്ള ഉദ്യോഗസ്ഥന്മാർക്കു ഈ അധികാരം കൊടുക്കാമെന്നും ശ്രീപാദം റവന്യൂവിനെ സംബന്ധിച്ചു മാത്രം ഈ അധികാരം കൊടുക്കാൻ പാടില്ലെന്നും പറയുന്നതു ശ്രീപാദം റവന്യൂപിരിയാതെയിരിക്കണമെന്നു ഒരു മനഃപൂർവ്വം ഈ കൌൺസിലിനു ഉണ്ടോ എന്നു കൂടി തോന്നിപോകും. നമുക്കു കൂടുതൽ അധികാരവും കൂടുതൽ അവകാശവും വേണമെന്നും വിചാരിക്കുന്ന ഈ സന്ദർഭത്തിൽ മൈനാറിട്ടിയിൽ ഇരിക്കുന്നതും എന്നാൽ വലിയ സ്ഥാനത്തു ഇരിക്കുന്നതുമായ ഒരു സ്ഥാപനത്തോടു പ്രത്യേകത നമുക്കു ഉണ്ടു് എന്നുകൂടി വരുത്തേണ്ടതാണു്. നമുക്കു നൽകിയിട്ടുള്ള അധികാരം മറ്റുള്ളവർക്കു ഉപദ്രവകരമായി തീരുന്നില്ല എന്നു നാം കാണിച്ചുകൊടുക്കണം. അതു കൊണ്ടു ഈ അധികാരം അവർക്കു കൊടുക്കേണ്ടതാണു് നമുക്കു കൺട്രോൾഇല്ലാത്ത പല സംഗതികളിലും അധികാരം കൊടുത്തിട്ടുണ്ടു്. ഉദാഹരണമായി പോർട്ട്ആഫീസറെതന്നെ എടുക്കാം. പോർട്ടാഫീസർക്കു എന്തു അന്യായവും ചെയ്യാൻ നാം അനുവദിച്ചു കൊടുക്കുന്നു. നമുക്കു കൺട്രോൾ ഇല്ല.

DEPUTY PRESIDENT: That is irrelevant in this discussion, Mr. Mahomed.

MR. P. S. MAHOMED (*Nominated*): ഞാൻ ഒരു ഉദാഹരണം പറഞ്ഞു എന്നെയുള്ളു. ഈ രീതിയിൽ നോക്കിയാൽ ഇങ്ങിനെ ചില തടസ്ഥങ്ങൾ എല്ലാ സ്ഥലത്തും ഉണ്ടു്. അതിനാൽ ഒരു കൂട്ടർക്കു മാത്രം അധികാരം കൊടുപ്പാൻ പാടില്ല എന്നുള്ള മി. താണുപിള്ളയുടെ അമൻറുമെൻറിനെ ഞാൻ എതുക്കുന്നു.

MR. T. C. KESAVA PILLAI (*Kalkulam cum Vilavankod*): റവന്യൂ റിക്കവറി റഗുലേഷൻ തിരുവിതാംകൂറിലെ സ്ഥാവരജംഗമവസ്തുക്കളുമായി ഇടപെടുന്ന ഒന്നാണു്. അപ്രകാരമുള്ള വസ്തുക്കൾ ഏകമായൊ

LIBRARY ARCHIVES Kerala Legislative Assembly

Mr. T. C. Kesava Pillai.]

മൊത്തമായൊ അതായതു് തിരുവിതാംകൂറിൽ മുന്നിട്ടിരിക്കുന്ന ചട്ടങ്ങളുടെ പരിധിയിൽ ഉൾപ്പെട്ടിരിക്കുന്ന ഭൂമികളൊ, അല്ലെങ്കിൽ ജംഗമസാമാനങ്ങളൊ, അല്ലാത്തപക്ഷം മുൻസിപ്പാലിറ്റി അതുത്തിക്കകത്തുള്ള സ്ഥാവരജംഗമവസ്തുക്കളൊ, അല്ലാത്തപക്ഷം വില്ലേജ് പഞ്ചായത്തുകളൊ അതുപോലെയുള്ള പ്രത്യേകഅതുത്തിക്കകത്തുള്ള സ്ഥാവരജംഗമവസ്തുക്കളൊ, ഈ റഗുലേഷനുമായി കെട്ടുപെടുന്നതാണു്. എന്നാൽ അ അതുത്തിക്കകത്തുള്ള ആളുകൾ ഈ റഗുലേഷനാൽ കെട്ടുപെടുന്നില്ല. അതായതു ആളുകളെ അറസ്റ്റുചെയ്യുന്നതിനും മറ്റും അധികാരമില്ല. അങ്ങിനെയിരിക്കെ ശ്രീപാദം വസ്തുക്കൾ എന്നു പറയുന്നതു് പരസ്പരസഹായസംഘത്തിൽ ഉൾപ്പെട്ട അംഗങ്ങൾ താമസിക്കുന്ന അതുത്തിക്കൾ പോലെയൊ, അല്ലെങ്കിൽ മഠങ്ങൾ, മാസ്സു് മുതലായ സ്ഥാപനങ്ങളിൽ ഉൾപ്പെട്ട വസ്തുക്കൾ പോലെയൊ അല്ലാതെ മറ്റു പ്രകാരത്തിൽ വിചാരിക്കുവാൻ നിവർത്തിയില്ല.

MR. P. S. MAHOMED (*Nominated*) : മാസ്സു് എന്നു മെമ്പർ പറഞ്ഞതു് പബ്ലിക് ഫണ്ടാണോ?

MR. T. C. KESAVA PILLAI (*Kalkulam cum Vilavankod*) : നിങ്ങൾ അതിനെ അംഗീകരിക്കയാണെങ്കിൽ അതിനെ ഞാനും സ്വീകരിക്കാം. ശ്രീപാദം വസ്തുവക വസ്തുക്കളിലെ ഉദ്യോഗസ്ഥന്മാർക്കു് കൂടുതൽ അധികാരം കൊടുക്കണമെന്നു പറയുകയും അതു സ്വീകരിക്കയുംചെയ്താൽ നാലഞ്ചു് കൊല്ലം കഴിയുമ്പോൾ വഞ്ചിപ്പുഴ ചീഫിന്റെ അധീനത്തിൽ ഇരിക്കുന്ന വസ്തുക്കളെയൊ മറേതെങ്കിലും മഠംവക വസ്തുക്കളേയും കൂടി ഈ റഗുലേഷനിൽ കെട്ടുപെടുത്തണമെന്നു് ഒരഭിപ്രായം ഈ കൌൺസിലിൽ വരാൻ ഇടയുണ്ടു്. യഥാർത്ഥത്തിൽ ചട്ടം ഉണ്ടാക്കുന്ന ആളുകളാണു നാം എന്നു വിചാരിക്കുന്നപക്ഷം ഇതിനെ അനുകൂലിക്കാൻ യാതൊരു ന്യായവും കാണുന്നില്ല. പേഷ്ക്കാർ, റവന്യൂ കമ്മിഷണർ, തഹശീൽദാർ, പാവ്വത്യകാർ ഇവർ ചെയ്യുന്ന തെറ്റുകളെ ചൂണ്ടിക്കാണിക്കുന്നതിനും അതിലേയ്ക്കു വേണ്ട പരിഹാരം ഉണ്ടാക്കുന്നതിനും ഒരു പക്ഷെ സാധിച്ചേക്കാം. എന്നാൽ ശ്രീപാദം വസ്തുക്കളുടെ അകത്തു കടന്നു മരംമുറിച്ചു എന്നു പറഞ്ഞു് ഒരു ഗോവിന്ദപ്പിള്ളയുടെയൊ അല്ലെങ്കിൽ ഒരു മാത്തുവിന്റെയൊ പക്കൽനിന്നും നൂറിരുപതു രൂപാ ഈടാക്കണമെന്നു ശ്രീപാദം കാര്യസ്ഥൻ തീർച്ചചെയ്യുന്നതനുസരിച്ചു് ഒരു വിധിനടത്തുന്നടപടിപോലെ വസ്തുക്കൾ ജപ്തിചെയ്തുകൊണ്ടു പോകുന്നതിനു അനുവദിക്കുന്നതു ഒരിക്കലും ശരിയല്ല.

LIBRARY ARCHIVES Kerala Legislative Assembly

DEPUTY PRESIDENT: ഇതിൽ അങ്ങനെ ചെയ്യാൻ ഉദ്ദേശിച്ചിട്ടുണ്ടോ ?

MR. T. C. KESAVA PILLAI (*Kalkulam* cum *Vilavankod*): അങ്ങിനെയില്ലെങ്കിലും അതൊക്കെ വരുത്തുക്കതാണ്. ശ്രീപാദം വസ്തു കൽക്കുളം താലൂക്കിലും ഉണ്ട്. മിസ്റ്റർ പി. എസ്. മഹമ്മദ് പറഞ്ഞതുപോലെ ഇപ്പോൾ ശ്രീപാദം വസ്തുക്കൾ ഉൾപ്പെടുത്തണം, നാളെ വേണ്ട എന്നു പറഞ്ഞതായ പ്രത്യേകകാരണങ്ങൾ നിമിത്തം ദുഷ്പ്രമുണ്ടാക്കുന്നതാണ്. അതിനാൽ ചെയ്യുന്ന കാര്യങ്ങളെല്ലാം ന്യായമായിത്തന്നെയിരിക്കണം. ഇവിടെ എന്റെ സ്നേഹിതന്മാർ പറഞ്ഞിട്ടുള്ള ശക്തിമത്തായ അഭിപ്രായങ്ങളോടു ഞാൻ യോജിക്കുന്നു.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Karthikapalli*): Sir, with your permission I wish to support my proposition seconding the amendment. I have already seconded it without a speech. I request you to permit me to support it with argument.

DEPUTY PRESIDENT: As a special case, I will permit you to do that, but it should not be put forward as a precedent.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Karthikapalli*): Sir, the Revenue Recovery Regulation enables the Government as the creditor to realise their dues by summary processes through their agents. It is an extraordinary remedy granted to the Government for carrying on the administrative machinery in an efficient manner. If agents who are authorised to collect the revenue by these summary processes misbehave, the Government have got the disciplinary control over those officers and this Council can legitimately question the conduct of those agents or the Government with regard to that matter. So, this summary mode procedure is given under exceptional circumstances and under proper safeguards to a properly constituted Government. The attempt to delegate those powers to certain persons appointed by private bodies is likely to result in great hardship to persons against whom those powers are exercised. As was stated by some of our friends, the Sreepadom Officers are appointed by private agencies. There is no particular qualification prescribed for the Officers to whom these powers are to be delegated. The legislature when enacting a particular piece of legislation must always see that the powers conferred by that law is not misused. In this case as was stated, there is no minimum qualification prescribed for the officers; there is no disciplinary control over these officers; and this Council have no right to question the conduct of those particular officers. I admit that this Council could find fault with the Government for delegating authority to certain officers who have misused them. But that is not a sufficient control over the officers concerned. My friend, Mr. P. S. Mahomed, was saying that we are conferring that authority on the employees of Municipal Councils. What are they doing? They collect the revenue

LIBRARY ARCHIVES Kerala Legislative Assembly

[Mr. A. S. Damodaran Asan.]

due to the Municipality which exists for the benefit of the constituencies concerned. The money so collected is spent for the benefit of persons who pay for the Municipality. Is that the case with the Sreepadom Palace? It is an arrangement between two private agencies and we are conferring authority on one private agency for taking small processes against another. Is that proper? And what is the necessity for extending this extraordinary remedy to these private agencies? No ground has been made out. I wish to know from the learned Law Member or from any other member of Government the reasons that induced the Government to extend the authority of the employees appointed by the Sreepadom Palace. That has not been made clear. When we enact a legislation there must be some urgency or necessity for it. Nothing is stated. Government merely say 'We want to extend it.' Sir, it has been stated that this right has been given to some officers of the Edapally Chief. This power has been granted to the Proverthikar and other officers appointed by the Edapally Chief.

DEPUTY PRESIDENT : Is that so?

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): The Proverthikars of Kallupara appointed by the Edapally Chief exercise these powers.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I am not aware.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*) I am aware. I have led a deputation to the Dewan with reference to the use of these powers by the Proverthikars.

MR. T. C. KESAVA PILLAI (*Kalkulam* cum *Vilavankod*): മെമ്പർക്കവല്ല കരവും ഈടാക്കാനുണ്ടോ?

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): എനിക്കു യാതൊരു കരവും ഈടാക്കാനില്ല. അതിലേക്കുള്ള അധികാരവും എനിക്കുവേണ്ട.

In Thriukunnapuzha and Kallupara and other pakuties, the Edapally Chief is entitled to use those powers.

MR. A. THANU PILLAI (*Trivandrum*): May I know whether there has been any legal authorisation?

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): Whether there has been any legal authorisation or not, we find that they are using it.

MR. K. MADHAVAN PILLAI (*Trivandrum* cum *Neduvangad*): Are they not doing it under the orders of the Tahsildar?

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): Yes. The Tahsildar's powers are not conferred upon the Proverthikars. Tahsildars have to confirm the proceedings of the Proverthikars. The attachment of movables and immovables is not done by the Proverthikars on their own accord.

LIBRARY ARCHIVES Kerala Legislative Assembly

DEPUTY PRESIDENT: Your point with reference to that is that the powers are delegated to parties appointed by a private individual?

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): Yes. The powers are delegated to private parties over whom the Government officers have no disciplinary control. From experience we have learned that these powers are not properly used. Another question is asked whether this Council or the majority of it has not recommended the extension of these rights to the Jenmies. All that is stated is that if the Jenmy finds it difficult he could apply to the Tahsildars concerned for the recovery of his dues.

MR. V. CHELLAM PILLAI (*Tovala*): മി. ആശാന്റെ പരിഭ്രമം, ഗവണ്മെന്റിന്റെ അധീനതയിലല്ലാത്ത ആളുകൾക്കു ഈ അധികാരം കൊടുത്താൽ അവർ അതിനെ ദുരുപയോഗപ്പെടുത്തുമെന്നാണോ?

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): ദുരുപയോഗപ്പെടുത്തും. അങ്ങിനെ ദുരുപയോഗപ്പെടുത്തിയാൽ അവരെ ശിക്ഷിപ്പാൻ വകുപ്പില്ല.

MR. V. CHELLAM PILLAI (*Tovala*): ഗവണ്മെൻറിന്റെ കൺട്രോളിൽ ഈ ഉദ്യോഗസ്ഥന്മാർ ഇരുന്നാൽ ഈ അധികാരം ഡെലിഗേറ്റ് ചെയ്തുകൊടുക്കാമോ?

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): ഗവണ്മെൻറിന്റെ ഡിസിപ്ലിനറി പൌവ്വറിനകത്തുള്ള ഉദ്യോഗസ്ഥന്മാക്കു കൊടുക്കുന്നതുകൊണ്ടു യാതൊരു തടസ്ഥവുമില്ല.

So, what I submit is that this Council should deeply consider over this matter before it votes upon the amendment.

MR. V. CHELLAM PILLAI (*Tovala*): അങ്ങിനെ കൊടുക്കുന്ന അധികാരം പിൻവലിക്കാൻ ഗവണ്മെൻറിനധികാരമുണ്ടോ?

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapall*): പിൻവലിക്കാമെന്ന് ഇപ്പോൾ പറയുന്നില്ല. എന്നാൽ ഡെലിഗേറ്റു ചെയ്യാമെന്നു പറയുന്നുണ്ട്. പിൻവലിക്കാൻ അധികാരം ഉണ്ടോ ഇല്ലയോ എന്നുള്ളതു് അവർതന്നെ നിശ്ചയിക്കണം. പിൻവലിക്കാൻ ഗവണ്മെൻറിനധികാരമുണ്ടെന്നു ഇവിടെ വാദിക്കുന്നതുകേട്ടു. ഞാൻ അതിനെപ്പറ്റി തീർച്ച പറയുന്നില്ല. അതു ഒരു കോടതി പറയേണ്ടതാണു്.

All that I have to say is that this Council should think deeply over this matter before it rejects the amendment proposed by Mr. Thanu Pillai.

MR. MURUVELIL PACHU PILLAI (*Shertallai*): ഞാൻ മിസ്റ്റർ താണുപിള്ളയുടെ അമൻറുമെൻറിനെ അനുകൂലിക്കുന്നു. പബ്ലിക്ക് റവന്യൂ പിരിക്കുന്നതിനുള്ള അധികാരം ചില ഉദ്യോഗസ്ഥന്മാക്കു കൊടുക്കാ

LIBRARY ARCHIVES Kerala Legislative Assembly

[Mr. Muruvelil Pachu Pillai.]

മെന്നും എന്നാൽ ശ്രീപാദം ഉദ്യോഗസ്ഥന്മാക്ക് കൊടുക്കാൻ പാടില്ല എന്നും ആണ് ഇതിന്റെ താല്പര്യം. മറ്റുള്ള ഉദ്യോഗസ്ഥന്മാക്ക് ഈ അധികാരം ഉപയോഗിക്കാമെന്നും ശ്രീപാദം ഉദ്യോഗസ്ഥന്മാക്ക് മാത്രം ഈ അധികാരം കൊടുക്കാൻ പാടില്ലെന്നും പറയുന്നതിന്റെ ന്യായാന്യായത്തെപ്പറ്റിയാണ് നമുക്കിവിടെ അലോചിക്കേണ്ടത്. പബ്ലിക്ക് റവന്യൂ പിരിക്കുന്നതിനു ചുമതലപ്പെടുത്തിയിട്ടുള്ള മറ്റുദ്യോഗസ്ഥന്മാർ നടത്തുന്ന നടപടികളെ സംബന്ധിച്ച് ചോദ്യംചെയ്യുന്നതിന് പടിപ്പടിയായി മേലുദ്യോഗസ്ഥന്മാക്കും അവരുടെ നടപടികളെപ്പറ്റിയും അവരിൽനിന്നും അപ്പീൽപ്പോലും ഉണ്ടാകുന്ന സംഗതികളെപ്പറ്റിയും ചോദ്യംചെയ്യുന്നതിനു ഈ കൌൺസിലിനും അധികാരം ഉണ്ട്. എന്നാൽ ശ്രീപാദം ഉദ്യോഗസ്ഥന്മാക്ക് ഈ വിഷയത്തിൽ പടിപ്പടിയായി മേലുദ്യോഗസ്ഥന്മാരില്ല. അവരുടെ നടപടികളെപ്പറ്റി ചോദ്യംചെയ്യുന്നതിനു കൌൺസിലിനും അധികാരം ഇല്ല. ഇങ്ങനെ സ്വാതന്ത്ര്യമായി പ്രവർത്തിച്ചുകൊണ്ടിരിക്കുന്ന ഒരു ക്കൂട്ടം ഉദ്യോഗസ്ഥന്മാരുടെ പക്കൽ ഈ മാതിരിയുള്ള സമ്മറിയായ നടപടികളും നടത്തുന്നതിനുള്ള അധികാരം കൊടുക്കുന്നു എങ്കിൽ അതു ജനങ്ങൾക്കു വളരെ ദോഷകരമായിരിക്കുകയില്ലേ എന്നു ഞാൻ ശങ്കിക്കുന്നു. അതുകൊണ്ടാണ് ഈ അധികാരം ശ്രീപാദം ഉദ്യോഗസ്ഥന്മാക്ക് കൊടുക്കാൻ പാടില്ല എന്നു ഞാൻ പറയുന്നതിനുള്ള പ്രധാനകാരണം. ഇപ്പോൾ ശ്രീപാദം ഉൾപ്പെട്ട വസ്തുക്കളുടെ കരം ഈടാക്കുന്നതിനുള്ള നടപടികളും നടത്തുന്നതു്, ശ്രീപാദം ഉദ്യോഗസ്ഥന്മാർ അവക്കു ഈടാകേണ്ട തുകകളെ സംബന്ധിച്ചുള്ള കണക്കുകളും പകുതിഉദ്യോഗസ്ഥന്മാക്ക് അയച്ച് പകുതി ഉദ്യോഗസ്ഥന്മാർ മുഖേനയാണ്. ഇനിയും ഈ നടപടിതന്നെ തുടർന്നുകൊണ്ടു പോകുന്നതിലുള്ള വൈഷമ്യം എന്താണെന്ന് മനസ്സിലാകുന്നില്ല. പകുതി ഉദ്യോഗസ്ഥന്മാർ കരം ഈടാക്കുന്ന വിഷയത്തിൽ എന്തു തെറ്റു പ്രവർത്തിക്കുന്നതായാലും അതിനെപ്പറ്റി ചോദ്യംചെയ്യുന്നതിന് തഹശീൽദാർ, പേഷ്കാർ, ലാൻഡ് റവന്യൂകമ്മീഷണർ എന്നീ ഉദ്യോഗസ്ഥന്മാർ ഉണ്ട്. ആ പതിവിനെ വിട്ടിട്ട് ശ്രീപാദം വസ്തുക്കളുടെ കരം ഈടാക്കുന്നതിനുള്ള അധികാരം പ്രൈവറ്റ് ഏജൻസിക്കോ അവർ അധികാരംകൊടുക്കുന്ന അവരുടെ ഉദ്യോഗസ്ഥന്മാക്കോ സ്വാതന്ത്ര്യമായി കൊടുക്കണമെന്നു വന്നാൽ അതുനിമിത്തം വലുതായ ദോഷങ്ങൾ ഉണ്ടാകും. ഒന്നാമതു് അവർ തെറ്റുചെയ്താൽ അതിനെപ്പറ്റി ചോദ്യംചെയ്യുന്നതിനു മേലുദ്യോഗസ്ഥന്മാരില്ല. ഈ കൌൺസിലിനു ചോദിക്കുന്നതിനു് അധികാരവുമില്ല. ആ സ്ഥിതിക്ക് ഈ

LIBRARY ARCHIVES Kerala Legislative Assembly

ങ്ങനെയുള്ള കൂട്ടരുടെ കയ്യിൽ ഈ അധികാരം കൊടുക്കുന്നതു് ഒരിക്കലും നന്നായിരിക്കുകയില്ല. അതുകൊണ്ടു് മിസ്റ്റർ താണുപിള്ളയുടെ അമൻഡുമെൻറിനെ ഞാൻ പിൻതാങ്ങുന്നു.

MR. A. THANU PILLAI (*Trivandrum*): Sir, this amendment has been moved by me out of a consideration of several circumstances. In the first place this is clearly opposed to all principles of sound legislation and administrative policy. Sir, I take it that ordinarily it is a Court of law that should settle a transaction if parties cannot agree between themselves. If any party has to seek a remedy against another that has to be sought through a court of Law. The only exception to that is where the Sovereign comes in. Where it is dues realisable by Government one can easily understand that coercive measures can be resorted to. When it is a transaction between two parties and when one party seeks the remedy against another it is the Court of law in the land that ought to help the party. In this case, no doubt, a departure has been made by allowing the dues realisable by the Sreepadom Palace to be realised under the provisions of the Revenue Recovery Regulation. That is an indulgence extended to the Sreepadom Palace out of the consideration that the Sreepadom after all forms part of the Ruling House of the State. I do not forget for a moment that a similar concession, though in a different way has been extended to two other Houses in the State, namely, the Kilimanur Palace and the Edapally Palace. These concessions have been granted to them out of historical and other peculiar circumstances. But that does not mean that the rights of the citizen should in any way be allowed to be interfered with except in the proper way and through the proper channel. The legislature on a former occasion when it legislated for these two Palaces took the greatest care that the rights of the citizens are not easily violated by the Kilimanur and Edapally Chiefs. The Rent Recovery Regulation was passed but they took care to see that the remedy they sought was through the Government Officers. The establishment of the Chiefs has to apply to the Tahsildars of the locality to set the Revenue Recovery Regulation in motion. We can appreciate that. In the case of the Sreepadom Palace the same thing was not contemplated. The idea was to include the Sreepadom under the rent Recovery Regulation but out of regard to the prestige of the Sreepadom it was considered derogatory to be classed in the same category as the Edappalli chief. So the revenue was included under the term 'public revenue' and provision was made in the Revenue Recovery Regulation. It was provided that the Revenue Recovery Regulation can be applied to the Sreepadom Palace. But care was taken that the agency was the Government agency. If the Sreepadam Palace wanted to apply this Regulation they ought to do so through the local officers. Of course, the legislature could have even then provided that the Sreepadom Palace Officers could be invested with these powers. But then they did not do it, purely out of consideration to a citizen who happend to be a land-holder of the Sreepadom Palace. Now we are called upon to empower the Sreepadom

LIBRARY ARCHIVES Kerala Legislative Assembly

[Mr. A. Thanu Pillai.]

with these wide powers. I shall lay before the Council a brief summary of the powers of these officers.

According to the Regulation the public revenue can be realised by the attachment and sale of movable property as well as immovable properties. The powers of these officers are these. The Tahsildar ought to issue a notice through the Proverthicar or other person. After this notice is served the movable or the immovable property is attached. If it is movable property he can attach it himself or through the Proverthicar. To attach a movable property one can force open the doors of a land-holder. Sir, I ask is it proper to vest these powers in the hands of such officers? Some land-owners may owe money to the Government. He may not have money to pay it off. The Sreepadom officer might have made a wrong calculation. Requisitions might be placed before the Manager. An order may be issued. The house owner may not be in the House. Only his wife and children are left there. The Sreepadom officer can force open the door of the house. This power, it seems to me, may not appeal to people who are not directly affected by this. The property is seized and the sale is effected. The money is credited and if there is any balance it may be given to the owner. Now in the case of immovable property, similar notice is issued, and the property is attached by the Tahsildar directly or by the Proverthicar. The sale is effected by the Tahsildar. Then for the confirmation of the sale Peishkar's sanction is required. The Tahsildar writes to the Peishkar and gets sanction. If the Peishkar's power is also invested in the Sreepadom officer as is sought to be done now, powers of the Peishkar, Tahsildar and proverthikar are to be conferred upon an employee of the Sreepadom Palace. According to the proposal, but for my amendment, sanction is given to the employee of the Sreepadom Palace and then the Peishkar can also issue a warrant conferring title to the property on the purchaser and that can be done within the Palace precincts itself. That is the proposal before the House. Are these extensive powers to be conferred on these officers? I am afraid that enough interest does not seem to be taken in this matter because this House is composed of members who come from all the taluks of the State and it is only mainly the taluk of my friend Mr. K. P. Nilakanta Pillai that is going to be affected by this piece of legislation. Now there are also some lands belonging to the Palace in one or two taluks in South Travancore. Of course, it does not affect the holdings of the people of Travancore at large.

MR. R. RAMAN PILLAI (*Kottayam*): ഓരോ നിയോജകമണ്ഡലങ്ങളിലേയും മെമ്പർമാർ അവരുടെ നിയോജക മണ്ഡലങ്ങളിലുള്ള കാര്യങ്ങൾ മാത്രം പറയാൻ വരുന്നവരാണോ?

MR. A. THANU PILLAI (*Trivandrum*): അങ്ങിനെ പറഞ്ഞില്ല. ഇതിനെപ്പറ്റിയുള്ള കൂടുതൽ വിവരങ്ങൾ മി. നീലകണ്ഠപിള്ളയെക്കാൾ മറ്റാർക്കും പറയാൻ സാധിക്കുകയില്ല എന്നാണ് പറഞ്ഞത്.

LIBRARY ARCHIVES Kerala Legislative Assembly

MR. S. PIRAVIPERUMAL PILLAI (*Commerce and Industry, South*): If this amendment is passed, may I know if an employee of Messrs. Spencer and Company who is engaged in the collection of revenue is prohibited from collecting the Sripadom revenue?

MR. A. THANU PILLAI (*Trivandrum*): I do not say that the Sripadom Palace has been reduced to such a condition that an employee of Messrs. Spencer and Company will be allowed to collect revenue. So we need not contemplate such contingency. It will have enough funds and resources to employ its own officers.

MR. S. PIRAVIPERUMAL PILLAI (*Commerce and Industry, South*): I mean no disrespect to the Palace as my friend would seek to suggest.

MR. A. THANU PILLAI (*Trivandrum*): I also mean no disrespect. I never suggested that. The legal enactment of this provision says that any person engaged in the collection of revenue is empowered with the powers of the Peishkar whether it be any person either the employee of the company or not.

DEPUTY PRESIDENT: Then he becomes an employee of the Palace.

MR. A. THANU PILLAI (*Trivandrum*): These are the powers of these officers. I may also mention one or two facts in connection with this. Even the other day when a similar question was discussed here the learned Law Member stated that even lands other than those on which dues are charged could be sold.

DEPUTY PRESIDENT: That forms part of a very large question. You need not talk of it here now.

MR. A. THANU PILLAI (*Trivandrum*): It is very important, Sir. It is not the Palace land that would be liable, but Pandaravaka lands that would be sold. Even that is possible under the Regulation. Of course we must take into consideration all the implications of the contingency that is now proposed. That is why I refer to that. There is also one other aspect of the question. Government are made liable for actions of the officers. There is a Section in the Regulation making the Government liable. Now, my humble submission is that these exhaustive powers should not be conferred upon any person who is not directly responsible to Government for any of his actions in his official capacity. Then it was stated here that there should be powers of revision by the Dewan and the Land Revenue Commissioner. If these powers are vested in the employees, then there remains only the power of revision vested in the Dewan and, if delegated, on the Land Revenue Commissioner. As a lawyer, I know what this power of revision means. I may say that in 99 cases out of 100 the exercising power of revision is nil.

DEPUTY PRESIDENT: And you are satisfied with that very unsatisfactory powers of revision to be vested in the Sovereign and you want substantial powers to be invested on the revenue authorities in the Revenue Department?

LIBRARY ARCHIVES Kerala Legislative Assembly

MR. A. THANU PILLAI (*Trivandrum*): I say that substantial relief should be sought for in the original or appellate court. When it comes to the revision court it is a matter left, more or less, to the whims and caprices of the officer.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Is there anything in the Section which is in support of his view?

DEPUTY PRESIDENT: That was wrong. He ought not have raised it.

MR A. THANU PILLAI (*Trivandrum*): I used it in the popular language not as a lawyer. We all know what the discretion of the officer is. Even my friend the learned Law Member cannot contradict me on that point.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): May I ask whether the Section lays down any restriction on the revising authority or on the way in which the revision power should be exercised?

MR. A. THANU PILLAI (*Trivandrum*): That is all the more dangerous.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): May I know whether questions of fact could be revised by the revisional court?

MR. A. THANU PILLAI (*Trivandrum*): That is known to all. Sr, as I understand it, every Tahsildar serving under the Government to-day is doubtless a graduate in arts. I am not quite sure. Probably there may be exceptions. I do not think there are many and most of them are graduates in law. They became Tahsildars after having served for a number of years under the able control of gentlemen like Mr. George or the Land Revenue Commissioner or as Magistrates under the High Court and the District Officers. Now, they come after a long period of service as Tahsildars—ripe men of at least 35 and generally between 40 and 35. It is such men that are made Tahsildars under the Government. But what are the parallel officers under the Sripadom Office? If the Palace employees are given these powers I cannot be wrong in taking it that the present Manager will be invested with the powers of the Tahsildar. Who is the present Manager? Is he a graduate? He is not.

DEPUTY PRESIDENT: Graduates may be put in later on.

MR. A THANU PILLAI (*Trivandrum*): Now we are legislating upon what is taking place with the present officers.

MR. K. MADHAVAN PILLAI (*Trivandrum* cum *Neduvangad*): What is the pay of the Manager?

MR. A. THANU PILLAI (*Trivandrum*): It must be very small, I do not know. I wanted to put some questions to the Law Member, Mr. George or the Land Revenue Commissioner. I do not know him personally. I made enquiries and found out that the present Manager is not a graduate. He is only a matriculate or so.

MR. S. PIRAVIPERUMAL PILLAI (*Commerce and Industry, South*): Is that the opinion of the member that only graduates can gather experience?

LIBRARY ARCHIVES Kerala Legislative Assembly

MR. A. THANU PILLAI (*Trivandrum*) : As the world understands, graduates are supposed to be a better class than non-graduates. There is no denying the fact so far as the administrative matters are concerned. That is admitted by all. I also go by accepted standard. The present Manager is a matriculate or something less than that. I do not know exactly what his qualifications are. Sometimes intricate questions may arise in the application of this provision. Claims will have to be investigated, the property may have to be attached. There may b e several claimants to a certain property. Then the officer may have to decide the claim. What is the sort of officer that is to be invested with these powers, I ask? What guarantee is there that graduates will be appointed afterwards? It may be certain that Government will take care that proper officers will be invested with these powers. Suppose the Manager is invested with this power. I can say that he will not be in a position to discharge his responsibility satisfactorily. Unfortunately this Bill is now brought forward by the Government at a time when the Head of the Sripadom Palace is the Sovereign.

DEPUTY PRESIDENT : Do you mean to say that it should be issued by a Proclamation instead of passing through this Council?

MR. A. THANU PILLAI (*Trivandrum*) I do not say so. I am of opinion that Proclamation should not be resorted to except in unavoidable circumstances. So much about the present Manager.

As for the subordinate officers Mr. Kunjtomman has been crying in this House for the appointment of Roman Catholics and other unrepresented communities as Proverthikars. All the members on this side of the House know how that cry is being received by the Government benches.

DEPUTY PRESIDENT: Sympathy wherever possible.

MR. A. THANU PILLAI (*Trivandrum*) : He wants them to make Proverthikars without passing through the stage of Accountants. But Mr. Robinson and, I may say, his successor rises up and says no, men who want to become Proverthikars must gain experience as Accountants. He must bide his time. That is the sort of answer that is given. What guarantee is there that the Proverthikars are experienced men? Is there any guarantee? Absolutely none. By this Bill we are going to invest these powers on such Proverthikars.

MR. P. S. MAHOMED (*Nominated*) : മുനിസിപ്പാലിറ്റിയിലും ഇങ്ങനെയല്ലേ നടക്കുന്നത്?

MR. A. THANU PILLAI (*Trivandrum*) : മുനിസിപ്പാലിറ്റിയിലെ പ്രസിഡൻറന്മാർ കൊള്ളാവുന്നവരായിരുന്നാൽ യോഗ്യന്മാരെ നോക്കി ഇതിലേക്കു നിയമിക്കും.

I believe they are made Proverthikars in the Revenue Department. As the learned Deputy President himself as member, when this matter was discussed on a former occasion remarked that the Government employees as well as Municipal employees and when the time comes

LIBRARY ARCHIVES Kerala Legislative Assembly

[Mr. A. Thanu Pillai.]

employees of other local bodies will certainly have security of tenure. They can hope for pension. Honest and faithful officers will be well rewarded. Disobedient officers will be given tight punishments.

DEPUTY PRESIDENT: What is the relevancy of your quoting my views?

MR. A. THANU PILLAI (*Trivandrum*): Your own experience and the value attached to your words.

There is absolutely no guarantee that responsible officers will be vested with these powers. Then there is great danger. Suppose a Proverthikar has got some grudge against a land-holder. He wants to break open his house. That can easily be done. When he goes to the Tahsildar, of course, he is also a Palace employee, somehow the matter is settled there unfavourable for him. Then it goes to the higher authorities in the same establishment. What can the Revenue Commissioner do in revision even if his misconduct is proved. He disbelieves the land-owner. The employee may have enough hold on the revenue authorities.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Will he not be liable in a court of law?

MR. A. THANU PILLAI (*Trivandrum*): That is the sort of legislation that you want us to adopt. There is suit provided for any number of other actions. That is why I said Government will be held liable for the provision. That is objectionable.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): How many poor cultivators will be prepared to go to a court of law against these officers?

MR. A. THANU PILLAI (*Trivandrum*): They might even lose their property. This Bill was passed in 1068. We are in the year 1106. Nearly 40 years have elapsed. No necessity was felt during all these years to revise the law. I ask what is the necessity which induces them to bring up this Bill now?

DEPUTY PRESIDENT: Probably, it is recently that they discovered that they had not authority to exercise these powers.

MR. A. THANU PILLAI (*Trivandrum*): They never exercised these powers. If I may refer to what the Trivandrum Division Peishkar told us in the Select Committee that he was not able to give us any information regarding the authorisation whatsoever in the delegation of powers to the employees of the Palace. There have been no such cases. If the employees of the Palace have got these powers also no substantial good is done, but on the contrary a great deal of harm may result. An objection may be made as to how we are going to give these powers to the Municipal employees and other local bodies. The Municipal employees are indirectly Government officers.

MR. T. C. KESAVA PILLAI (*Kalkulam* cum *Vilavankod*): മുനി
സിപ്പാലിറ്റിയ്ക്കുത്തു പ്രത്യേകം ബൈലാസുണ്ടെന്നറിയാമോ?

LIBRARY ARCHIVES Kerala Legislative Assembly

MR. A. THANU PILLAI (*Trivandrum*): ഞാനൊക്കെയറിയാം.

Municipalities are under the control of Government. There is the Statute prescribing duties, rights and liabilities of the officers of the Municipalities. Everything is governed by law. There is the control of the Government over it. Municipality is a popular body. What guarantee is there that that is the state of affairs with the Sripadom Palace. It is after all a one person concern. As mentioned by some members on this side of the House it will also deprive the House of its control over it.

MR. K. MADHAVAN PILLAI (*Trivandrum* cum *Neduvangad*): Does not it involve surrender of our rights?

MR. A. THANU PILLAI (*Trivandrum*): Yes, it does. When any irregularity is found in the collection of public revenue or failure on the part of other officers we can question them in Council. But in this case we are deprived of this right by this enactment. I am afraid it will be a great dis-service to the land holders if this law is passed. So, I press my motion.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Sir, that the dues of the Sreepadom Palace have been treated as public revenue under the Revenue Recovery Regulation must be taken as a settled fact—

MR. A. THANU PILLAI (*Trivandrum*): Is it not purely for purposes of collecting revenue and for no other purpose at all?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I shal take it that they have been treated as public revenue for purposes of collection. That is all we are concerned with now. That is a settled fact and it is not open to question to-day or to be challenged by the House in this debate. That being so, it must be conceded as a logical consequence that that public revenue may be collected in the same manner as other public revenues are collected, namely, by the ordinary public revenue recovery processes. That also admits of no questions.

Then, the question that has to be considered now is about the persons who may collect this revenue. Sir, the ordinary public revenues due to Government are collected by the officers of Government. What is proposed to be done now is to invest officers of local bodies and officers of the Sreepadom Palace with the power to collect the dues due to their institutions in the same way as Government officers are given the power to collect the dues due to them. From the speeches of the non-official members to-day and from the trend of the criticisms here, one would understand that the House is perfectly willing to give the power to collect these revenues provided Government appoint their own Proverthicars, their own Tahsildars, and their own Peishkars. But they object if Government propose to confer this power on any person who is not an employee of the Government. They say, let Government appoint *any* person, as their Proverthikar or Tahsildar or Peishkar and confer the powers on him, be he a graduate or a non-graduate, be he a literate or an illiterate person, since the Statute does not impose any restriction in regard to such appointments but if they happen to give the

LIBRARY ARCHIVES Kerala Legislative Assembly

[Mr Kayalam Paramesvaran Pillai.]

power to an employee of the Sreepadom Palace, even though he be the greatest saint in the world, they object. That attitude I submit, is unintelligible. I admit that the Government may have control over the public actions of Government officers and Government may be made to answer in this House for the conduct of their officers. But it will be noted that what is done by this Bill is not straight away to invest the officers of the Sreepadom Palace with the powers. What is proposed to be done is to confer authority on Government to confer certain powers on the employees of the Sreepadom Palace. If the Government are found to act unwisely, indiscretly or wrongly in the exercise of that authority then it is perfectly open to this House to censure them or even take the extreme step of taking away altogether the authority by repealing this Section itself. When such powers are clearly available to the House, I ask the question, 'why should any objection be raised now to give the Government authority to confer certain powers on the employees of the Sreepadom Palace' ?

MR. A. THANU PILLAI (*Trivandrum*) : Does the Law Member admit that the conduct of the Sreepadom employees cannot be called in question here ?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : I am prepared to admit that.

MR. A. THANU PILLAI (*Trivandrum*) : Does the member also admit that the disciplinary action over the officers of the Government rests with this Council ?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : No, I do not admit that. The House's relation is with the Government. Government will answer for their officers.

MR. A. THANU PILLAI (*Trivandrum*) : But can they not discuss such questions here ?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : Yes.

MR. A. THANU PILLAI (*Trivandrum*) : Does the Law Member admit that the conduct of the employees of the Palace, in spite of the provisions of this Bill, can be discussed ?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : Be it so. Does it make any real difference? This House has really no power of taking disciplinary action such as fining, suspending or dismissing, any single officer of the State, even the lowest Proverthicaran.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*) : Cannot the House pass a resolution recommending the dismissal of any particular employee of the Government ?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : Even so, it will be only a *recommendation*.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*) : What about the employees of the Sreepadom Palace ?

LIBRARY ARCHIVES Kerala Legislative Assembly

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I am prepared to admit that that cannot be done in regard to the employees of the Sreepadom. What I was saying was that the House's relations are really with the Government. If Government do not act according to the mandates from this Council then it is perfectly open to the Council to censure them. Similarly, in this instance of Government conferring powers the Council can either pass a censure on the Government or take the step of repealing the section whenever they find that the Government misconduct themselves in the exercise of those powers. So long as this power rests with the House, I do not see the logic of members objecting to this Bill on imaginary grounds. Various difficulties are imagined by members, such as the breaking open of doors, etc.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): May I know from the Law Member what is the reason for conferring these powers now?

DEPUTY PRESIDENT: Please ask him the question after he has finished his speech.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): May I know from the member whether he is aware that such things are brought to the notice of the Government in the case of ordinary proverthicars of the State. Is it mere imagination on the part of members on this side of the House so far as the Sreepadom Palace alone is concerned? Should we not expect that the ordinary acts of misdeeds of the ordinary Proverthicars will be done by the proverthicars of the Sreepadom Palace?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): But no member has been able to say that any proverthicar acted wrongly merely because it is the Government that appoint him.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): Is it the argument of the Law Member that before this piece of legislation is passed, we must point out the misdeeds of proverthicars?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): In opposing the provision, they must be able to say that definitely and not rest on bare possibilities.

So long as the House has got the right to withdraw those powers, I ask 'why should you refuse to give the powers now unless you are able to show that Government will surely misconduct themselves.' As for the possibilities, there is the power to withdraw at any time what is now given.

Sir, another point that I want to press on the attention of this House is that it was stated that as regards Tahsildars there is a rule that he should be a graduate, etc. I ask, is it because of any statutory obligation that the Government passed such a rule? Did the House recommend to the Government to pass a rule to the effect that all Tahsildars must be graduates? No Government exercised their responsibility in the matter. If that is so, is it too much to ask the House to rely on them in the present case also. Cannot the House rely on the

LIBRARY ARCHIVES Kerala Legislative Assembly

[Mr. Kayalam Paramesvaran Pillai.]

Government to see that they will not confer the powers except on persons who are suitable and who will exercise the powers in a just and lawful manner ?

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): Is it purely on their own initiative that Government passed such a rule ?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : I believe so.

In regard to the matter that I mentioned, namely the rule that Tahsildars should be graduates, did the House pass a resolution to the effect ? If they did not, why did the Government do it? The question, I ask, is, cannot the Government therefore be relied on to confer these powers on proper persons. If, as I said, the Government are found to misconduct themselves, then the House can take away the power entirely. So long as that power is vested in this House I cannot understand the opposition on the ground that this House has no power over the employees of the Sreepadom Palace, and that it cannot directly censure them.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*) : I may inform the Law Member that even under the existing powers vested in them there are numerous complaints. Recently the tenants presented a memorial to Her Highness the Maha Rani Regent.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : I am prepared to accept the information. That does not affect the situation at all. The question is, cannot the Government be relied on to confer these powers on proper persons ? Has anything been shown that they will not exercise those powers correctly ?

MR. A. THANU PILLAI (*Trivandrum*) : May I know whether Government will not do things properly even without the existence of this Council ? Then why should there be any Council at all ?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : I am prepared to speak on the benefits of the Council for three hours; only that is irrelevant to the subject of the present debate.

Therefore, Sir, my submission is that so long as any member has not established that the Government have already misconducted themselves or will surely misconduct themselves there is no reason for opposing this measure.

As regards the control over the employees of the Sreepadom Palace, the control may be as I explained on a previous occasion, over the *functions* of the employees or over the *employees themselves*. In respect of the functions, there is a very wide provision in Section 50 of the Revenue Recovery Regulation which lays down that 'the Dewan may for sufficient reason, revise any orders passed, or proceedings taken by a Division Peishkar, Tahsildar or Proverthicar, under the provisions of this Regulation, or may, generally or in certain cases or certain

LIBRARY ARCHIVES Kerala Legislative Assembly

classes of cases only, delegate such powers of revision to the Land Revenue and Income Tax Commissioner'. I request 'the House to particularly note that I have no proposal to-day that the power of the Commissioner should be conferred on the Sreepadom employees. The powers of the Proverthicar, Tahsildar and Peishkar may be with the Sreepadom Palace employees. But the ultimate powers will be with the Government or the Land Revenue Commissioner. In regard to the powers of revision, the Dewan may for any *sufficient reason*, revise any orders. There is no restriction on the powers of revision. Apparently Mr. Thanu Pillai has been misled by the revisional powers of civil courts which are subject to restrictions—No such restriction is made under this Section. Therefore the question of whim or fancy or caprice does not arise when the power under this Section is exercised. The term " revision" is very comprehensive.

MR. A. THANU PILLAI (*Trivandrum*) : Does the member recognise that there is a difference between the words 'revision' and 'appeal' ?

DEPUTY PRESIDENT : Are you prepared for a definite provision that the powers that can be delegated by the Government under this Section will only be the powers of the Tahsildars and Proverthicars?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : The idea of the Government *at present* is to confer only the powers of Tahsildars and Proverthicars. We never thought of conferring the powers of a Peishkar on the employees of the Sreepadom Palace. Not that I am giving any undertaking of that kind in order to get this measure passed. Only as a matter of fact Government never thought of conferring the powers of the Peishkars on the employees of the Sreepadom Palace. Of course, when a Section is worded, it has to be worded generally, particularly because the powers of the Peishkars have to be conferred on the Presidents of Municipalities.

MR. A. THANU PILLAI (*Trivandrum*) : Is there anything to show that, when the personnel changes, the intention of the Legislature may also change ?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): There is nothing.

The House may take it from me however that the Government did not think of conferring the powers of the Peishkar on the employees of the Sreepadom Palace. It was only the conferment of the powers of the Tahsildars and the Proverthicars that was in our mind and it is those powers that are now proposed to be vested in the employees of the Palace, although no such restriction is intended to be laid down.

In regard to the control over the actions of the employees, as I submitted on a previous occasion, Government can withdraw the powers they confer on them. Mr. Damodaran Asan seems to express some doubt about it. If Mr. Damodaran Asan would bring in an amendment now that the power of Government shall be taken to include the power to withdraw, I am prepared to accept it without raising any question of notice.

LIBRARY ARCHIVES Kerala Legislative Assembly

MR. A. THANU PILLAI (*Trivandrum*) : Is there any serious objection in that ? If Government can confer powers can they not withdraw those powers ?

DEPUTY PRESIDENT : Some such suggestion was made to remove that misapprehension of Mr. Damodaran Asan. Mr. Paramesvaran Pillai says that, if Mr. Damodaran Asan will bring in an amendment to that effect, he is prepared to accept it.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : If the Government can withdraw those powers, then they can exercise the maximum amount of discipline over the employees of the Sreepadom Palace ; it will be tantamount to dismissing them. By withdrawing the powers Government virtually dismiss the employee so far as the power is concerned.

MR. K. MADHAVAN PILLAI (*Trivandrum* cum *Neduvangad*): Who is to bring to the notice of the Dewan the misconduct on the part of the employees of the Sreepadom Palace ?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : Mr. K. P. Nilakanta Pillai himself can bring it to the notice of the Government through this House or otherwise. Anybody can bring it to the notice of the Government. There is no restriction in regard to it.

Over and above all these, there is a right which is very highly valued by all citizens—the right of civil suit. It is given in this Regulation in very wide language. The Section reads :

'Nothing in this Regulation shall be held to prevent parties deeming themselves aggrieved by any decision or order passed or proceedings taken or purporting to be passed or taken under this Regulation for arrears due or alleged to be due from such parties from suing the Government in the Civil Courts.'

MR. R. RAMAN PILLAI (*Kottayam*) : സർക്കാരിന്റെ മേൽ ഒരന്യായം കൊടുത്തു വിധിസമ്പാദിക്കാൻ എത്രകാലം വേണ്ടിവരും.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : That is a different matter.

DEPUTY PRESIDENT : പ്രൈവറ്റ് പാർട്ടിയായാൽ തന്നെയും പത്തു പന്ത്രണ്ടു കൊല്ലംവരെ ആകുന്നുണ്ട്.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : The only thing that is beyond the purview of the Civil Courts is the amount of tax. If anything wrong happens, there is nothing to prevent the persons aggrieved to resort to a Civil Court. I ask the members to compare the language of this Section with the corresponding provision in any other Regulations and then tell me whether this is not wider in scope. There is therefore nothing to apprehend that the citizen will be irretrievably injured.

MR. A. THANU PILLAI (*Trivandrum*) : Because an enlarged provision is in the Section, does it not of itself show that these powers are likely to be abused ?

LIBRARY ARCHIVES Kerala Legislative Assembly

DEPUTY PRESIDENT: A larger remedy is given to prevent any chance of the powers being abused.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): If any servant is guilty of misconduct let the whole matter be taken to a civil court. The Government will be liable.

MR. T. C. KESAVA PILLAI (*Kalkulam* cum *Vilavankod*): ശ്രീപാദം കരം ഒടുങ്ങിനെയാണ് നിശ്ചയിക്കുന്നത്? മറ്റു കരങ്ങൾപോലെ കണ്ടഴുത്തു തീരുമാനം അനുസരിച്ചാണോ?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Sir, we are travelling far beyond the provisions of this Bill.

MR. T. C. KESAVA PILLAI (*Kalkulam* cum *Vilavankod*): ശ്രീപാദം വസ്തുക്കൾ കൌൺസിലിന്റെ പരിധിയിൽ വരുന്നതാണോ?

MR. KAYALAM PARAMESVARAN PILLAI (*Aditional Head Sirkar Vakil*): All these are beyond the scope of the discussion on this Bill.

DEPUTY PRESIDENT: It does not arise now.

MR. T. C KESAVA PILLAI (*Kalkulam* cum *Vilavankod*): I raise this point simply because....

DEPUTY PRESIDENT: Do you know how rent on Sreepadom lands is fixed?

MR. T. C. KESAVA PILLAI (*Kalkulam* cum *Vilavankod*): I do not know. Therefore it is that I asked the Law Member.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I may answer that point. That is a question of fact. That has been done, I believe, along with the Revenue Settlement.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): What has the Law Member to say about the urgency of this measure?

MR. KAYALAM PARAMESVARAN PILLAI (*Addtional Head Sirkar Vakil*): As I explained on a previous occasion, at present the employees of the Sreepadom Palace have to move the Tahsildar whenever tax falls into arrears and things are not as expeditiously disposed of as when the power is in the employees themselves. In fact, I have got statistics to show that the arrears have been increasing during these years. They have increased from Rs. 2000 to Rs. 7000 or so.

MR. A. THANU PILLAI (*Trivandrum*): May I know how many cases are pending with the Tahsildars?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I have not got statistics in respect of that. I have got statistics only in regard to the arrears pending.

MR. A. THANU PILLAI (*Trivandrum*): Is there any substantial case pending? It may be due to the default of the Sreepadom officers themselves.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): The Sreepadom employees feel that although requisitions are made to the Tahsildars, things are not done as expeditiously as they might be done, if they themselves have the power.

LIBRARY ARCHIVES Kerala Legislative Assembly

DEPUTY PRESIDENT: Before placing Mr. Thanu Pillai's motion before the House, I would just like to say a few words. A good deal of warmth seems to have been imported into the discussion of what after all is only a simple piece of legislation. The main question is whether Government should be empowered to delegate the powers already vested in them to certain private bodies like the Municipalities, Sreepadom Estates and other bodies that may come into existence hereafter. On the desirability of Government being empowerd to delegate these powers under certain circumstances, there does not seem to be any serious difference of opinion. As a matter of policy, Government may find it necessary to delegate their powers in certain cases. So far as Municipalities are concerned, it is a prefectly legitimate delegation of duty. The House has nothing to say against it. The House apparently has no objection to Government delegating powers to some other individuals also in certain cases. The objection in regard to Sreepadom is based on an apprehension that the powers are likely to be abused by those to whom the delegation is made by Government. Mr. Thanu Pillai also drew a graphic and appealing picture of the sufferings of the ryots. Well, I am not prepared to say that all of it is evolved by him out of his imagination. Some of it may be true. In Government Proverthicars' and Government Tahsildars' procedure under the Revenue Recovery Regulation, probably it may be absent. The main question for the House to consider is whether there is any urgent necessity for making the delegation. From 1068, for a period of 38 years, the necessity for the delegation has not been felt. That was Mr. Thanu Pillai's argument. What is the necessity that now compels Government to make the delegation?

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): That statement is not quite correct. For some time the Manager of the Sreepadom Palace was vested with the power of the Tahsildar but in recent years that power was withdrawn.

DEPUTY PRESIDENT: Apparently, two good and intelligent men like Mr. K. P. Nilakanta Pillai and Mr. Kayalam Parameswaran Pillai differ as to certain facts and you are placing me in an awkward fix. I prefer, without necessarily doubting the bonafides of Mr. K. P. Nilakanta Pillai, to place more reliance on the representative of the Government when he says that arrears of revenue are accumulating. It is not possible to get the authority of the Tahsildar in time to take the necessary action. There is no doubt, too, in regard to the fact that Tahsildars are worked much more heavily than they were in times past. The numerous interpellations in the Council and the work of the Assembly take up more of their time and divert their attention and activities from fields of work to which they confined all their time in times past. There is no objection to accept the statement of the Government Benches that the Tahsildar is hardworked. He is not able to find time to attend to the condition of the Sreepadom estates and therefore the Sreepadom Palace wants its officers to be invested with the

LIBRARY ARCHIVES Kerala Legislative Assembly

necessary powers in the hope that the finances of the Palace would be better. Accept that statement and then say whether a case of necessity has not been made out for this piece of legislation. The necessity being made out, you have to consider, whether you have to sanction the Bill that is now placed before you, whether on grounds of high public policy it ought to be passed or it ought to be thrown out. There is no use your approaching the subject solely from the point of view of the small landholders, who may be undergoing some small troubles. No system of human legislation is perfect. A piece of legislation which all sections of the House, official and non-official, may unanimously pass may be found to work serious mischief when it comes to actual working. That should not prevent us from removing what apparently is a serious difficulty in the way of the Sreepadom authorities collecting their revenue. To my mind, after listening to the speeches of the members, I find there is an attempt on the part of some non-official members to make out that the Sreepadom authorities want to get as much authority as it can now, so that in times to come they may act without let or hindrance from the Travancore Government, in regulating the internal economy of the Estates. I think there is absolutely no basis for any such apprehension. We lawyers do not start with the presumption that a man is murderer; on the other hand we start with the presumption that he is innocent. When you are confronted with this move on the part of the Government, why should you reverse the natural position? Why should you say that the Government do not take note of public opinion? Government may be guilty of 1000 acts of commission and omission. Your judgment should not be deflected by these considerations with reference to the matter before the House.

It might be that from the point of view of the small landholders, there might be some difficulty. But when the Government come to the Legislature for some little help, why should you assume the existence of imaginary difficulties on the part of an impoverished and poor set of people for whom we all have sympathy. After all, no human institution is perfect. I do not guarantee everything will be absolutely smooth. There may be difficulties felt by tenants. But you have only to see whether the Legislature has provided a machinery, sufficiently powerful to uphold the rights of the tenants if they are violated by the underlings of the Sreepadom Estates. That is the main question that a legislative body like this has to consider. It cannot go into detail and work out qualifications and other particulars of parties who may be employed by particular agencies. You can only lay down that if any man does any wrong, he shall pay for it. The right of the aggrieved party to proceed against the Government is distinctly affirmed by the Statute; the right of the individual to proceed against the particular author of the wrong is, in common law, available to you. So, while Government do not escape scrutiny at the hands of the civil court, common law gives you the right to proceed against the particular offender, for securing your interests.

LIBRARY ARCHIVES Kerala Legislative Assembly

[Deputy President.]

The next complaint was about the number of years it will take to get a decision from a civil court. There is Mr. Raman Pillai who, apparently, has got a large number of suits in which he does not see the end of the controversy. Well, he has my sympathy. Litigation is no doubt more protracted and costly these days. But when people become more aggressively sensitive of their rights, I suppose they have to pay for it. In good old days, when one abused another, the latter generally ignored it. Now, you think you have got vested rights and that you must assert them in a court of law. The machinery is available to you and you pay for the luxury if you avail yourself of it. It is just the same way everywhere. I appeal to you, whatever conclusions you may reach on broad considerations, do not allow these small ideas in any way to prejudice your minds in dealing with this piece of legislation. Though in the eye of the law it is a separate agency, do not forget the fact that the Ranees of Attingal entered into an agreement with the Travancore Government that the future Rulers of Travancore shall be their descendants and nobody else. They volumtarily surrendered their sovereignty over the Sreepadom Estates. When the Revenue Recovery Regulation was before the Council, as Mr. Thanu Pillai pointed out, another Mr. Thanu Pillai, whose memory, I know, all of us even now cherish with the very greatest respect was in charge of the Bill and he deleted Sreepadom from the purview of the Bill.

Why should the Government machinery be utilised for helping the Ranees of Attingal in realising their dues? That was his view, originally. But, subsequently he recognised that that view was wrong; and he agreed to include all the Attingal Estates for recovery of revenue under the provisions of the Revenue Recovery Regulation; and Sreepadom Revenue was then described as *'public revenue'* under the Revenue Recovery Regulation. Therefore, it is not for the first time in the history of Travancore that the difference between ordinary public revenue and the Revenue from the Attingal Estates is being realised. So early as in 1068, those who legislated before us were confronted with the very same difficulty that is now before us; and their solution was that, in view of the close connection between the Royal House of Travancore and the Ranees of Attingal, and in consideration of other matters of high State Policy, the revenues of the Attingal Estates should also be placed in the same category as public revenue proper. And, h very same machinery which was used for the realisation of ordinary public revenue came to be used in the case of the Attingal Estates also. In course of time, the work of the regular Revenue Department nas increased tremendously; and now the authorities of the Sreepadom Palace are complaining of the inordinate delay in getting necessary relief. Therefore, they now want to exercise the powers of the ordinary Revenue Officers under the Revenue Recovery Regulation. Of course, it is open to you to vote against the provision. What I now want to point out to you is that, even if you now vest the Government with his power of conferring the powers under the Regulation on the employees of the Sreepadom Palace and on such other officers mentioned in

LIBRARY ARCHIVES Kerala Legislative Assembly

the explanation, you have the right to withdraw that power from Government if and when you find that public interests necessitate such withdrawal. My suggestion to you now is that you should on no account lose faith in the Government, particularly in small matters like this, since, under the present constitution, we have an irremovable executive and an irresponsible opposition. Do not misunderstand me. I include myself too in your group. We, on the non-official side, have, in one sense, no responsibility. We cannot, for instance, walk over to the Government Benches, anyone of us, and take up the reins of administration. That is the present state of affairs. A day may come when Mr. Thanu Pillai, with his views, may lead the House and remove the whole of this Bill from the Statute Book. Till that distant day comes, I want you not to lose faith in the Government. The House should trust that the Government, as a responsible body, will make adequate enquiries before investing particular individuals with the powers under the Regulation. The discussion in this House on this matter will, I suppose, be read by Government; and Government may advise the Sreepadom Palace to put in a better class of people as their employees. Government may watch this experiment now contemplated by this Bill. These are some aspects of the question which I want you to consider before you vote on the amendment. You may, of course, vote according to your judgment.

The amendment of Mr. Thanu Pillai, to add,

'but does not include the employees of the Sreepadom Palace.'

at the end of the Explanation in the Revenue Recovery Regulation Amendment Bill, was then put to vote and lost.

MR. A. THANU PILLAI (*Trivandrum*): I demand a poll.

A poll was taken and the House divided as follows:

AYES—13.

1	Mr.	A. S. Damodaran Asan	8	Mr.	K. P. Nilakanta Pillai
2	,,	T. C. Kesava Pillai	9	,,	Muruvelil Pachu Pillai
3	,,	R. Kesava Pillai	10	,,	K. G. Paramesvaran Pillai
4	,,	N. K. Krishna Pillai	11	,,	L. R. Raja Raja Varma Koil Tampuran
5	,,	V. S. Krishna Pillai	12	,,	R. Raman Pillai and
6	,,	K. Madhavan Pillai	13	,,	A. Thanu Pillai
7	,,	A. G. Menon			

NOES—23.

1	Mr.	V. Chellam Pillai	13	Mr.	R. Krishna Pillai
2	,,	D. C. Joseph	14	Rao Sahib	Dr. N. Kunjan Pillai
3	,,	D. Francis	15	,,	E. G. McAlpine
4	,,	S. Piraviperumal Pillai	16	,,	C. O. Madhavan
5	,,	P. S. Mahomed	17	,,	K. George
6	,,	K. Madhavan	18	,,	T. K. Madhavan Nayar
7	,,	Revati Nal Rama Varma Raja	19	,,	R. Nilakanta Pillai
8	,,	L. A. Lambard.	20	,,	Kayalam Paramesvaran Pillai
9	,,	L. A. Bishop	21	,,	R. Vaidyalingom Pillai
10	,,	I. C. Chacko	22	Dr.	K. Raman Tampi and
11	,,	R. Dhanukoti Pillai	23	Mr.	J. S. Westerdale
12	,,	P. Gomatinayakam Pillai			

LIBRARY ARCHIVES Kerala Legislative Assembly

NETURALS—2.

1 Mr. Ittoop Itteechan and 2 Mr. A. C. Kuriakose.

The amendment was declared lost.

DEPUTY PRESIDENT: The next amendment stands in your name, Mr. Raja Raja Varma Koil Tampuran.

MR. L. R. RAJA RAJA VARMA KOILTAMPURAN (*Changanachery cum Peermade*); എനിക്കു രണ്ടുഅമൻറുമെൻറുകാം ഹാജരാക്കാനുള്ളതിൽ (നം-൦ ൪-൦) ൪-൩മത്തെ അമൻറുമെൻറു മുമ്പെ അവതരിപ്പിച്ചാൽ കൊ ള്ളാമെന്നുണ്ട്, അല്ലെങ്കിൽ 'and' ൻെറ സ്ഥാനവ്യത്യാസംകൊണ്ട് അ തു ബില്ലിൽ പിന്നീട് ചേർക്കാൻപാടില്ല എന്ന സാങ്കേതിക തടസ്ഥം പറഞ്ഞുകൊണ്ടിരിക്കുന്നു.

DEPUTY PRESIDENT: What is it that you want? I am told by the Secretary that your amendment was not received in time and it is, therefore, not admissible.

MR. L. R. RAJA RAJA VARMA KOILTAMPURAN (*Changanachery cum Peermade*): ഒരുദിവസത്തെ വ്യത്യാസമുണ്ട്. എനിക്കുകിട്ടിയ ദിവസം തന്നെ ഞാൻ മറുപടി അയയ്ക്കുകയും ചെയ്തു. അതു കൊണ്ട് ഈ ഭേദഗ തി അവതരിപ്പിക്കാൻ പ്രസിഡൻറു ദയവായിട്ടു അനുവദിക്കണം. എ ക്സ്പ്ലനേഷനിൽ രണ്ടു സ്ഥലത്തു 'local authority' എന്നു പറയുന്നു ണ്ട്. അതുപ്രകാരം അമൻറുമെൻറുമൂലം അതു ഡിഫൈൻ ചെയ്യുകയാണ് ഞാൻ ചെയ്യുന്നതു്.

DEPUTY PRESIDENT: I allow you to move the amendment. Has not the expression 'local authority' been defined in the General Clauses Act?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): No. Sir; but, it has been defined in the Income Tax Regulation as follows:

> 'Local authority' includes any person legally entitled to the control or management of any municipal or local fund.'

DEPUTY PRESIDENT: That definition seems to be all right.

MR. L. R. RAJA RAJA VARMA KOIL TAMPURAN (*Changanachery cum Peermade*): I am not able to hear you, Sir.

DEPUTY PRESIDENT: I want to return the compliment to you; I do not hear you either.

I suppose the definition of 'local authority' in the Income Tax Regulation will meet your requirements.

MR. L. R. RAJA RAJA VARMA KOIL TAMPURAN (*Changanachery cum Peermade*): ൪-ാമത്തെ അമൻറുമെൻറു് അതുമായി അവതരിപ്പിക്കണ മെന്നു ഞാൻ വിചാരിക്കുന്നു.

DEPUTY PRESIDENT: You may do so. Please explain your position. Let me try to understand you.

LIBRARY ARCHIVES Kerala Legislative Assembly

MR. L. R. RAJA RAJA VARMA KOILTAMPURAN : (*Changanachery* cum *Peermade*) : എനിക്ക് ഇതിനെപ്പറ്റി രണ്ടു ആർഗ്യുമെന്റ പറയുവാനുള്ളൂ.

DEPUTY PRESIDENT : Before you proceed further, Mr. Koil-Tampuran, is it with reference to the initial recruitment of these employees of the Sripadom Palace that you want the minimum qualifications, prescribed by our Government in the matter of initial recruitment to public service, to be followed?

MR. L. R. RAJA RAJA VARMA KOIL TAMPURAN (*Changanachery* cum *Peermade*) ; The persons who are to be invested with the powers under this Regulation should have atleast the minimum qualification prescribed by the Government.

DEPUTY PRESIDENT : There are trustworthy servants in the Sripadom Palace who have served faithfully and loyally for over 15 or 20 years, but who are not even School Finals.

MR. L. R. RAJA RAJA VARMA KOILTAMPURAN (*Changanachery* cum *Peermade*): ശ്രീപാദംകൊട്ടാരത്തെ ഈ റഗ്യുലേഷൻ ബാധിക്കണമെന്നൊ ബാധിക്കണ്ടാ എന്നൊ എനിക്കഭിപ്രായമില്ല. എന്റെ സ്നേഹിതൻ മി. മഹമ്മദ് ശ്രീപാദത്തെ ഈ റഗ്യുലേഷനിൽ നിന്നും അകറ്റി നിത്താനാണ് അമൻറുമെൻറുസ് കൊണ്ടുവരുന്നതെന്നു പറഞ്ഞു. ഈ ബില്ലിന്റെ objects and reasons-ന്റെ കൂട്ടത്തിൽ ശ്രീപാദം ഉദ്യോഗസ്ഥന്മാർ എന്നുകൂടി എഴുതി എന്നേയുള്ളുവെന്നും ഈ ബില്ലിൽ മറുപലകാര്യങ്ങളുംകൂടി ഉണ്ടെന്നും മറുമെമ്പർപറഞ്ഞു. അനവധികാര്യങ്ങാംഉള്ളതിൽ ഒന്നുമാത്രം ഉപേക്ഷിക്കേണ്ടിവന്നാൽഉപേക്ഷിക്കണം. അതല്ലാ എല്ലാത്തിനുംകൂടി ഇതു് ഉൾപ്പെടുമെങ്കിൽ എനിയ്ക്കതുകൊണ്ടും വിരോധമില്ല.

റവന്യൂറിക്കവറി റഗ്യുലേഷൻ പ്രകാരം ചില ആളുകൾക്കോ ചിലസ്ഥാപനങ്ങൾക്കോ വിശേഷാൽ ഒരധികാരം കൊടുക്കുന്നതിനു അവക്കു ഉണ്ടായിരിക്കേണ്ട കപാളിഫിക്കേഷനെ സംബന്ധിച്ചാണ് ആദ്യം പറയുന്നതു്:—

Provided (i) every such person shall possess the minimum qualification prescribed by our Government ;

അവരുടെ യോഗ്യത നിശ്ചയിക്കാനുള്ള അധികാരം ഗവണ്മെൻറിനുണ്ടായിരിക്കണം. ടി. എസ്. ആർ. അനുസരിച്ചു് ചില ഉദ്യോഗസ്ഥന്മാക്കു ഇന്നയിന്ന യോഗ്യതഉണ്ടായിരിക്കണമെന്നു പറയുന്നതുപോലെ ശ്രീപാദം ഉദ്യോഗസ്ഥന്മാരുടെ യോഗ്യതയെപ്പറ്റി ഒന്നും പറഞ്ഞു കാണുന്നില്ല.

LIBRARY ARCHIVES Kerala Legislative Assembly

DEPUTY PRESIDENT : You want the Government to prescribe here after minimum qualifications for these Sripadom employees, to such of them as are to be vested with the powers under the Regulation?

MR. L. R. RAJA RAJA VARMA KOILTAMPURAN (*Changanachery* cum *Peermade*): Yes, Sir.

MR. R. KESAVA PILLAI (*Kottarakara* cum *Kunnattur*): Has any qualification been prescribed by the Government?

MR. L. R. RAJA RAJA VARMA KOILTAMPURAN (*Changanachery* cum *Peermade*): എക്സാമിനേഷൻ കപാളിഫിക്കേഷൻ മാത്രമല്ല. മറ്റു പലതും യോഗ്യത ഉണ്ടാകാം. ക്രിമിനൽശിക്ഷ അനുഭവിച്ചവരൊ സിവിൽ ജയിലിൽ ഇരുന്നവരൊ ഇതിലേക്കു നിയമിക്കാൻ പാടില്ല എന്നു പറയാം. പ്രജാസഭാ നിയമസഭ ഇതിലെ മെംബർമാരാകാൻ ഉള്ള യോഗ്യത മറെറാരുതരത്തിൽ പ്രിസ്ക്രൈബ് ചെയ്തിട്ടുണ്ടല്ലൊ; ഇങ്ങനെ യോഗ്യതപലതാണ്.

MR. R. KESAVA PILLAI (*Kottarakara* cum *Kunnattur*): So far as these officers are concerned, have the Government prescribed any minimum qualification?

MR. L. R. RAJA RAJA VARMA KOILTAMPURAN (*Changanachery* cum *Peermade*): മിനിമം കപാളിഫിക്കേഷൻ പലതുമുണ്ട്. നിയമപരീക്ഷ പാസാകാത്ത ഒരാളെ ജഡ്ജിയാക്കുകയില്ല. അതു് ഗവണ്മെൻറ് ശരിയായി നോക്കുന്നുമുണ്ട്. ശരിയായയോഗ്യതയുള്ളവക്കുമാത്രമേ ഈ അധികാരം കൊടുക്കുവാൻപാടൊള്ളൂ.

ഇതുപോലെ പബ്ലിക്ക് സർവീസിൽ പ്രവേശിക്കുന്നതിനു പല കപാളിഫിക്കേഷനും വച്ചിട്ടുണ്ട്. അതുപോലെയുള്ള കപാളിഫിക്കേഷൻ ഈ ഉദ്യോഗസ്ഥന്മാക്കു ഉണ്ടെങ്കിൽമാത്രമേ ഈ അധികാരം കൊടുക്കാൻ പാടൊള്ളൂ.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): ഉദ്യോഗസ്ഥന്മാരുടെ കപാളിഫിക്കേഷനെപ്പററി ഈ റഗുലേഷനിൽ പറഞ്ഞിട്ടുണ്ടൊ?

MR. L. R. RAJA RAJA VARMA KOILTAMPURAN (*Changanachery* cum *Peermade*): ഇല്ല. അതുകൂടി ചേർക്കണമെന്നാണു് ഞാൻ പറയുന്നതു്.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): മിനിമം കപാളിഫിക്കേഷൻ നിശ്ചയിച്ചാൽ മതിയൊ?

MR. L. R. RAJA RAJA VARMA KOIL TAMPURAN (*Changanachery* cum *Peermade*): അല്ലാതെ മാക്സിമം കപാളിഫിക്കേഷൻ നിശ്ചയിക്കാൻ സ്വാധിക്കയില്ലല്ലൊ.

LIBRARY ARCHIVES Kerala Legislative Assembly

DEPUTY PRESIDENT : Before you pass on to part (2) of your amendment, this is what I would suggest to you. Your point seems to be that you want minimum qualifications to be prescribed for the persons on whom these powers are to be conferred. But your amendment, as it stands, looks as if Government have already prescribed certain minimum qualifications for those who are to exercise these powers. Why not you say' ...shall possess the minimum qualification to be prescribed by our Government.'? Why not you make it clear?

MR. L. R. RAJA RAJA VARMA KOIL TAMPURAN (*Changanachery* cum *Peermade*): ഇപ്പോൾ പ്രിസ്ക്രൈബ് ചെയ്തിട്ടില്ലാത്തതുകൊണ്ട് ഇനി മേൽ പ്രിസ്ക്രൈബ് ചെയ്യുന്നതു എന്നുകൂടി ചേർക്കുന്നതുകൊണ്ട് വിരോധമില്ല.

DEPUTY PRESIDENT : The choice is left to you; I am indifferent.

MR. L. R. RAJA RAJA VARMA KOIL TAMPURAN (*Changanachery* cum *Peermade*) : അതു വേണമെന്നു നിർബന്ധമില്ല. ടി. എസ്. ആർ. ൽ ഇല്ലെങ്കിൽ ഗവണ്മെൻറു പ്രിസ്ക്രൈബ് ചെയ്താൽമതി. അതു ടി. എസ്. ആർ-ൽ പ്രിസ്ക്രൈബ് ചെയ്തിട്ടുള്ളതിനു കാരണ്ടാങ്ങായിരിക്കണം. അതിലേക്കുള്ള അധികാരം ഗവണ്മെൻറിനു ഈ ബില്ലിനാൽ നൽകുകയാണു് ചെയ്യുന്നതു്.

DEPUTY PRESIDENT : 'Every such person shall possess the minimum qualification that may be prescribed by our Government.'

MR. L. R. RAJA RAJA VARMA KOILTAMPURAN (*Changanachery* cum *Peermade*): '..... minimum qualification to be prescribed by our Government.' എന്നായാൽ മതി.

MR. K. GEORGE (*Chief Secretary to Government*): Does the member realise that the amendment that he now contemplates would affect the Municipal Presidents also?

MR. REVATINAL RAMA VARMA RAJA (*Edavagai*) : എനിക്കു കൂടി പറയാനുണ്ടു്.

DEPUTY PRESIDENT : Does anybody second the amendment?

MR. L. R. RAJA RAJA VARMA KOIL TAMPURAN (*Changanachery* cum *Peermade*) : ഞാൻ മൂവു് ചെയ്തിട്ടുവേണ്ടേ സെക്കൻറുചെയ്യാൻ.

DEPUTY PRESIDENT : ഇതു് നിങ്ങൾ പ്രസ്ചെയ്യുന്നുണ്ടോ?

MR. L. R. RAJA RAJA VARMA KOILTAMPURAN (*Changanachery* cum *Peermade*): ഞാൻ മൂവു്ചെയ്യുന്നുണ്ടു്. ഈ ഉദ്യോഗസ്ഥന്മാരുടെ യോഗ്യത 'To be prescribed by our Government.' എന്നാക്കണം.

DEPUTY PRESIDENT : Who seconds the amendment?

MR. MURUVELIL PACHU PILLAI (*Shertallai*) : I second it.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): May I suggest to you, Sir, that all these amendments may be allowed to be moved together?

LIBRARY ARCHIVES Kerala Legislative Assembly

[Mr. K. P. Nilakanta Pillai.]

All of them relate to the same matter, namely, the rights to be exercised, the punishments to be awarded, the control to be exercised by Government, the qualification to be prescribed by Government, and so on. So all these things go together.

DEPUTY PRESIDENT: Mr. Nilakanta Pillai, I stick to my discretion. There are some parts of the amendment which everyone will oppose; there are some others which everyone may accept.

MR. REVATI NAL RAMA VARMA RAJA (*Edavagai*): I oppose the amendment. ഞാൻ അമൻറുമെൻറിനെ എതിർക്കുന്നു. ഇതിലേക്കുള്ള കാരണം മി. എൽ. ആർ. രാജരാജവർമ്മ കൊണ്ടുവന്നിട്ടുള്ള അമൻറുമെൻറു പാസാകുന്നപക്ഷം ഇപ്പോൾ മുനിസിപ്പൽ പ്രസിഡൻറന്മാർക്കു കൊടുത്തിരിക്കുന്ന പേഷ്കാരന്മാരുടെ അധികാരംകൂടി കൊടുക്കേണ്ടതായിവരും. മുനിസിപ്പൽ റഗുലേഷനിൽ അവർക്കുള്ള കപാളിഫിക്കേഷൻ ഇന്നതെന്നു തീർച്ചപ്പെടുത്തിയിട്ടില്ല. പലരും യൂനിവേർസിറ്റി ഡിഗ്രിയില്ലാത്തവരാണ്. ഈഅമൻറുമെൻറു റവന്യൂ റിക്രൂട്ടിറഗുലേഷനിൽവന്നാൽ മുനിസിപ്പൽ റഗുലേഷൻ റിപ്പീൽ ചെയ്യേണ്ടതായിവരും. അങ്ങിനെ വരുമ്പോൾ ജനങ്ങൾക്കു ഇപ്പോൾ പൊതുവേ സിദ്ധിച്ചിരിക്കുന്ന ഒരു അവകാശം എടുത്തു കളയുന്നതായി വന്നേക്കാനിടയുണ്ട്.

MR. L. R. RAJA RAJA VARMA KOIL TAMPURAN (*Changanachery cum Peermade*): 'Every officer of Municipality' എന്നു് ഈ അമൻറുമെൻറിൽ നിന്നും വരുന്നില്ല. മുൻസിപ്പൽ ആഫീസേർസിനെ ഇതു ബന്ധിക്കുന്നില്ല. അവരെ ഉൾപ്പെടുത്തണമെന്നു ഞാൻ ഉദ്ദേശിക്കുന്നില്ല.

DEPUTY PRESIDENT: അങ്ങിനെ ഉദ്ദേശിക്കുന്നുണ്ടെങ്കിൽ അതു ശ്രീപാദം ഉൾപ്പെട്ടതിനു മാത്രം മതിയാകുമോ?

MR. L. R. RAJA RAJA VARMA KOIL TAMPURAN (*Changanachery cum Peermade*): ലോക്കൽബാഡിയിൽ ഏതെല്ലാം ഉൾപ്പെടാതെ വരുമോ അവയെ എന്നുദ്ദേശിച്ചാണു് ഇങ്ങിനെ പറഞ്ഞിട്ടുള്ളതു്.

MR. K. GEORGE (*Chief Secretary to Government*): The third part of the amendment will, in any event, affect the Municipal Presidents also.

DEPUTY PRESIDENT: Yes. In this very small piece of legislation, Mr. Koil Tampuran you have dragged in the entire Civil Service Regulation and Rules, the principle of appointment, promotion, leave, suspension, and all other matters. Why not simply say 'Our Government is competent to frame rules with regard to recruitment, promotion, punishment.....'?

MR. L. R. RAJA RAJA VARMA KOIL TAMPURAN (*Changanachery cum Peermade*): എല്ലാ പ്രത്യേക സ്ഥാപനങ്ങളേയും പ്രത്യേകം ചേർത്തി

LIBRARY ARCHIVES Kerala Legislative Assembly

ല്ലെങ്കിൽ ചില ഉദ്യോഗസ്ഥന്മാരെ വിട്ടുപോയേക്കുമെന്ന വിചാരിച്ചാണ് ഇപ്രകാരം പറഞ്ഞത്.

DEPUTY PRESIDENT: You oppose it, Mr. Paramesvaran Pillai?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Looking at the explanation given by Mr. Raja Raja Varma, apparently, he wants only the employees of the Sripadom Palace to be affected. It is very inappropriate that Government should step in and meddle with the qualifications of the people employed by Sripadom Palace. Apart from the qualifications, either high or low, Government have the discretion to confer and they will confer only on suitable men. The Government have to and will exercise judgment in every case. The qualification will not be a decisive test, because, a man may have sufficient qualifications and yet he may not be suitable to take the powers. So that it is better that discretion is vested in Government to decide the suitability of the man to receive the powers in each and every individual case.

DEPUTY PRESIDENT: Especially when no statutory condition is insisted on in the case of all the other appointments.

MR. A. THANU PILLAI (*Trivandrum*): They need not interfere at all, is our request. Why should they interfere?

Sir, it is a very large order indeed and something really surprising.

DEPUTY PRESIDENT: Have you laid down statutory qualifications for recruitment to the public service generally?

MR. A. THANU PILLAI (*Trivandrum*): In this case, Government can, by rules, lay down qualifications when the persons are under their control.

DEPUTY PRESIDENT: The fixing of the qualifications is in the discretion of the Government. Why not you leave it to the Government?

MR. A. THANU PILLAI (*Trivandrum*): Government can say that on such and such persons only they will confer these powers. A person who satisfies that description, a person who satisfies that condition, can be invested with this power by Government. My friend the learned Law Member would not allow us even this power.

DEPUTY PRESIDENT: I appreciate the difficulty.

MR. A. THANU PILLAI (*Trivandrum*): Every Officer of the Municipality is excepted. Let us read the explanation itself with this proviso. I shall read it.

DEPUTY PRESIDENT: Let us deal with this particular clause. It is a matter of procedure that you should confine yourself to this alone.

MR. R. KESAVA PILLAI (*Kottarakara* cum *Kunnattur*): Sir, I suggest that the consideration of the Bill may be postponed.

DEPUTY PRESIDENT: Sit down, please. You can leave it to me.

LIBRARY ARCHIVES Kerala Legislative Assembly

MR. A. THANU PILLAI (*Trivandrum*): I will read it. The explanation is as follows:—

"The expression 'Officer' includes for the purposes of this Section every Officer of our Government and every officer of a Municipality or of any other local authority but not any employee of the Sreepadom Palace".

I would also add 'provided every such person shall possess the minimum qualifications prescribed by our Government.'

DEPUTY PRESIDENT: For such office.

MR. A. THANU PILLAI (*Trivandrum*): 'For being invested with such powers'. That is how I understand it. There is absolutely no difficulty. It does not apply to any officer of any Municipality. It only applies to the person employed in the collection of public revenue or the dues of any local authority. I have to say a word with regard to the proviso of Mr. Koil Tampuran. Having cleared the ground in regard to the proviso, I come to the objection taken by the Law Member. He says, Sir, that the Government should not be called upon to interfere with the management of the Sreepadom affairs.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Not quite like that.

MR. A. THANU PILLAI (*Trivandrum*): That is how I have understood him. I have only put it more generally Government should not lay down rules as to who should be appointed and who should not be appointed for service in the Sreepadom. I do not want the Government to lay down any rules as to who should be appointed as employee in the Sreepadom. But we want to lay down rules as to who will deal out these powers when they have to work in the Sreepadom. That is all we want. I fail to see how the learned Law Member can justify his statement. He says that we should not interfere with the management of the Sreepadom authorities. We are not asking Government to do anything like that. My friend wanted us to allow Government to interfere with the affairs of the Sreepadom. But when it comes to a question of safeguarding of the citizens he says 'No you should not ask Government to do it.' I submit that is quite understandable. We do not want the House to prescribe rules.

DEPUTY PRESIDENT: Do I understand you to suggest that such persons shall possess the minimum qualification that may be prescribed by the Government?

MR. A. THANU PILLAI (*Trivandrum*): For being invested with such powers, that is an auxiliary provision enabling Government to lay down rules. I think that there is a provision in the Regulation itself enabling Government to make rules that may be applicable to themselves as well or if that is not enough we shall put in. Now in regard to the argument of the Law Member, I submit, at least this guarantee there must be. These powers should be given only to those who may be trusted.

DEPUTY PRESIDENT: You have not got any amendment like that before the House.

LIBRARY ARCHIVES Kerala Legislative Assembly

MR. A. THANU PILLAI (*Trivandrum*): I am confining my remarks to the amendment of Mr. Raja Raja Varma Koil Tampuran in regard to the necessity tor rules prescribing qualifications. All that I say is with respect to that.

DEPUTY PRESIDENT: Every such person shall possess the minimum qualification to be prescribed by our Government.

MR. A. THANU PILLAI (*Trivandrum*): For exercising these powers.

DEPUTY PRESIDENT; That is an amendment you propose.

MR. A. THANU PILLAI (*Trivandrum*): That is intended to make the sense of the mover clearer.

DEPUTY PRESIDENT: At present, I am only dealing with the drafting portion. The amendment before the House is 'Every such person shall possess the minimum qualifications that may be prescribed by our Government in this behalf.' In that form I will put it to the vote. Mr. Raja Raja Varma, are you agreeable to the amendment being altered in the form I have given?

MR. L. R. RAJA RAJA VARMA KOIL TAMPURAN (*Changanachery cum Peermade*): Yes.

MR. A. THANU PILLAI (*Trivandrum*): I wish to say one word. Even at the time the Bill was introduced, even those who strongly supported the Bill were clearly and emphatically of opinion, and I may refer even to the speech of Rao Bhadur K. A. Krishna Aiyangar....

DEPUTY PRESIDENT: I rule you out of order.

MR. A. THANU PILLAI (*Trivandrum*): I merely refer you to some speeches that are in my mind. I have got the speech with me.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): Are we not entitled to quote from a speech made by a member of this House?

DEPUTY PRESIDENT; If you want to contradict it you may do it.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): Even to refer?

DEPUTY PRESIDENT: Why? Only if he is dead, need you refer to his speech. He is still alive. If I make a statement now which is inconsistent with a statement I made on an earlier occasion in connection with this controversy it is only fair to me that you should refer to my speech.

MR. A. THANU PILLAI (*Trivandrum*): Those members who supported the principles of the Bill were also of the opinion that these officers should have certain qualifications. It is only persons who have the minimum qualifications that should be entrusted with these powers, and it is only that that is sought to be introduced by my friend by this amendment. The anxiety of the learned Law Member clearly shows how reasonable we were and how justifiable was the position of those who objected.

DEPUTY PRESIDENT: You are not in order in questioning a judgment reached by the House already.

MR. A. THANU PILLAI (*Trivandrum*): That shows the extreme anxiety to see the safeguard is given. We do not want Government to interfere with the affairs of the Sreepadom. If they want the help of the Government, and if the Government want the help of the House,

LIBRARY ARCHIVES Kerala Legislative Assembly

[Mr. A. Thanu Pillai.]

we have every right to say that that help will be given only on certain conditions. So I strongly support the amendment.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): It is already 5-25, we can adjourn.

DEPUTY PRESIDENT: I shall continue for another half an hour. Is there anything to prevent my discretion to extend it till 6 o' clock?

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): No. But this side is depleted of the non-official members.

DEPUTY PRESIDENT: That is alright. I propose to go on till 6 of clock and finish this Bill if possible.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): We, members on this side of the House, were unable to digest the paradox. The learned Law Member was observing that when the officers contemplated under this Amending Bill were to be invested with certain powers, Government would exercise their discretion to the best advantage and to the public good; but when this amendment, which is intended to secure that interest, is moved, the Law Member turns round and objects to the amendment on the ground that the powers of the Sreepadom authorities should not be interfered with.

Government concede that they can interfere to a certain extent when the officers are entrusted with the powers. If that is so, I ask why should they not go a step further and make the position of the public safe from the point of view of the public? The amendment contemplates certain conditions for the appointment of persons in the Sreepadom Palace *viz.*, that they should possess certain minimum qualifications which the Government may hereafter lay down, if they have not already laid down. My modest proposal is that when the Government are prepared to give as much power as they want to Sreepadom Palace employees for the speedy realisation of their arrears, it would go a great way in relieving the sufferings of the people, if they also imposed certain conditions in regard to their minimum qualifications. This power is invested with officers who are not as much responsible as we expect them to be.

MR. A. THANU PILLAI (*Trivandrum*): Without interrupting my friend, may I bring to the notice of the Chair that it is already 5-30?

DEPUTY PRESIDENT: That question was raised before and I have already answered it. I propose to continue till we finish, however late it be.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): This proposal does not propose to lay down exhaustively what should be the minimum qualifications for these officers of the Sreepadom Palace. There also, I believe, we are modest and we leave everything to the good sense of the Government to formulate such rules which they may deem fit under the circumstances of the case. I will explain the position by taking an illustration. Suppose a Proverthicar is asked to attach and sell a portion of an immovable property for arrears. Naturally, the Proverthicar must possess a knowledge of survey. Without knowing anything about

LIBRARY ARCHIVES Kerala Legislative Assembly

survey he cannot be expected to divide a portion of the immovable property so that that portion of the property alone may be sold for the realisation of the arrears already accrued. Therefore, before a Proverthicar can be entrusted with these powers, naturally, we want that he should possess that knowledge which a Proverthicar in Government service possesses—a rudimentary knowledge of survey and other things. It is with that view that the amendment is proposed and I appeal to the Government that at least some rules may be framed about the qualifications of these officers. Again, I submit that it is a modest proposal and that it should not be objected to by the Law Member. I support the amendment.

DEPUTY PRESIDENT: Mr. Paramesvaran Pillai, do you accept the amendment as it appears on the notice *viz.*, 'Every such person shall possess the minimum qualification prescribed by our Government'.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I do not accept it.

MR. L. R. RAJA RAJA VARMA KOIL TAMPURAN (*Changanachery* cum *Peermade*): എനിക്കു മറുപടിയായി ഒന്നും പറയാനില്ല. ഞാൻ ഈ അമൻഡുമെൻറിനെ പ്രസ്സ് ചെയ്യുന്നു.

The amendment was then put to the vote of the House and lost, 8 voting for and 16 against.

MR. L. R. RAJA RAJA VARMA KOIL TAMPURAN (*Changanachery* cum *Peermade*): I demand a poll in order to show that we on this side of the House are only a handful.

A poll was then taken with the following result:

AYES. 8.

1. Mr. A. S. Damodaran Asan
2. ,, A. G. Menon
3. ,, R. Kesava Pillai
4. ,, V. S. Krishna Pillai
5. ,, K. P. Nilakanta Pillai
6. Mr. Muruvelil Pachu Pillai
7. ,, L. R. Raja Raja Varma Koil Tampuran
8. A. Thanu Pillai

NOES. 16.

1. Mr. D. Francis
2. ,, K. Madhavan
3. ,, P. S. Mahomed
4. ,, L. A. Bishop
5. ,, I. C. Chacko
6. ,, R. Dhanukoti Pillai
7. ,, K. George
8. ,, P. Gomatinayakam Pillai
9. Rao Sahib Dr. N. Kunjan Pillai
10. Mr. C. O. Madhavan
11. ,, E. G. McAlpine
12. ,, R. Nilakanta Pillai
13. ,, Kayalam Paramesvaran Pillai
14. Dr. K. Raman Tampi
15. Mr. R. Vaidyalingom Pillai
16. ,, J. S. Westerdale

NEUTRAL. 1.

Mr. A. C. Kuriakose

The amendment was declared lost, 18 voting for, 16 against and one remaining neutral.

LIBRARY ARCHIVES Kerala Legislative Assembly

MR. L. R. RAJA RAJA VARMA KOIL TAMPURAN (*Changanachery cum Peermade*): Sir, I beg to move the second part of my amendment which is 'Every such person shall be entitled to enjoy such rights, privileges and security of service as provided in the T. S. R., so far as it may be applicable".

ശരിയായ ജോലി നടത്തണമെന്നുണ്ടെങ്കിൽ കൺടെൻറഡ് സ വ്വീസ് ആണെങ്കിലെ സാധിക്കുകയുള്ളൂ. ഉദ്യോഗസ്ഥന്മാക്കു ശരിയായശ മ്പളവുംമറും ഉണ്ടായിരിക്കണം. ഒരാൾക്കു തോന്നുമ്പോൾ ഡിസ്മിസ് ചെയ്യുയും തോന്നുമ്പോൾ നിയമിക്കയും ചെയ്യാമായിരിക്കരുത്. അങ്ങി നെയായാൽ നിശ്ചയമായും ശരിയായജോലി ചെയ്കയില്ല. തൻനിമിത്തം അവർ പലദുഷ്പ്രേരണകൾക്കും വശംവദരാകുന്നതാണ്. അതുകൊണ്ടാണ് കൺടെൻറഡ്സവീസ് വേണമെന്നും മറുദ്യോഗസ്ഥന്മാക്കുള്ള സകല അവകാശങ്ങളും ശ്രീപാദം മുതലായസ്ഥാനങ്ങളിലെ ഉദ്യോഗസ്ഥന്മാക്കും ഉണ്ടായിരിക്കണമെന്നും പറയുന്നതു്.

ഇതിൽക്കൂടുതലായി ഒന്നും ഈ അമൻറുമെൻറിനെ മുവ് ചെയ്യു ന്നതിൽ എനിക്കുപറയാനില്ല. ഇതിൻെറ ന്യായാന്യായങ്ങളെ നോക്കി ഇതിനുവേണ്ടി വോട്ടു ചെയ്യണമെന്നുപേക്ഷിക്കുന്നു.

MR. A. G. MENON (*Parur*): I second the amendment.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I oppose the amendment. I have already stated my views generally and they will apply to this amendment also.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): I support the amendment. This amendment would indicate with what amount of fairness we on this side of the House are dealing with the question. First of all, we were contending for the postion that the employees of the Sreepadom Palace should not be invested with powers unless a proper control is exercised. Now, we moved the second amendment that all employees of the Palace should possess certain minimum qualifications. And then there is the third amendment. Our position is that justice must be done not only to the employees of the Sreepadom Palace, not only to the authorities of the Palace, but also to the tenants of Sreepadom.

DEPUTY PRESIDENT: That is not the question with which we are dealing now. Security of service has nothing to do with security of tenure.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): At first, as I said, we wanted that certain minimum qualifications must be fixed in the case of the employees of the Sreepadom Palace.

DEPUTY PRESIDENT: This House threw it out.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): Next, we wanted to give them such privileges as are enjoyed by the Proverthikars working

LIBRARY ARCHIVES Kerala Legislative Assembly

under the Government. The Proverthikars under the Government are impelled to do things in a fair and honest way, because they have some security of service and further, when they retire they also get pension, in spite of whims and fancies of the superior officers, provided of course the officers' career has been satisfactory, honest and without blemish. Under the present circumstances such a privilege is not given to the Proverthikar to be appointed under the Sreepadom Palace. Our proposal is that when persons are to be invested with such powers, properly qualified persons ought to be appointed. And when properly qualified persons are appointed as an impetus to them, they must, in the interests of proficiency and of service, be compensated at the end of their service. The object is a very laudable one. Of course, everybody must agree that there must be safeguards against officers of the Sreepadom Palace harassing their subordinates, if they do not act according to their illegal wishes. It is with this object that the amendment has been tabled before the House and I hope the members on this side of the House will appreciate the object behind the amendment and support it.

DEPUTY PRESIDENT: Have you anything fresh to add, Mr. Koil Tampuran?

MR. L. R. RAJA RAJA VARMA KOIL TAMPURAN: (*Changanachery* cum *Peermade*): No, Sir.

MR. MURUVELIL PACHU PILLAI (*Shertallai*): എനിക്കു ഈ അമൻറുമെൻറിനെ സപ്പോർട്ടുചെയ്യുവാൻ നിവൃത്തിയില്ല. ഞാൻ ഇതിനെ അനുകൂലിക്കുന്നില്ല. ശ്രീപാദം ജോലിയായി നിയമിക്കപ്പെട്ടുന്ന ആളുകൾക്കു ഉണ്ടായിരിക്കേണ്ട മിനിമം കപ്പാളിഫിക്കേഷൻ ഇന്നതെന്നു പ്രിസ്ക്രൈബ് ചെയ്യണമെന്നാണ് ഒന്നാമത്തെ അമെൻറുമെൻറ്. ഒരുവിധത്തിൽ യോഗ്യതയായും സാമർത്ഥ്യമായും ജോലിചെയ്യുമെന്നു ബോധ്യമുള്ള ആളുകളെ നിയമിക്കുന്നതിനു വേണ്ടി അവക്കുള്ള യോഗ്യത ഗവൺമെൻറു നിശ്ചയിക്കുന്ന പ്രകാരമായിരിക്കണമെന്നാണ് അമൻറുമെൻറു കൊണ്ടു വന്നതു്. അതിനെ അക്സപ്റ്റ് ചെയ്തില്ല. രണ്ടാമത്തെ അമൻറുമെൻറു കൊണ്ടു വന്നിരിക്കുന്നതു് ആ തരത്തിൽ യോഗ്യന്മാരായ ആളുകളെ കിട്ടണമെങ്കിൽ അവക്കു വേണ്ട വിധത്തിലുള്ള രക്ഷ ഉണ്ടായിരിക്കണമെന്നു് ഉദ്ദേശിച്ചാണു്. ശ്രീപാദം ഉദ്യോഗസ്ഥന്മാരായിട്ടു ആരേയും നിയമിക്കാമെന്നു വന്നിരിക്കുന്നതിനാൽ ഈ രണ്ടാമത്തെ അമൻറുമെൻറിൻെറ ആവശ്യം ഇല്ലാതെ വരുന്നു.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): പരീക്ഷായോഗ്യത ഇല്ലാത്തവരാണെങ്കിലും സ്ഥിരമായ നിയമനമാണെന്നും അവരെ പെട്ടെന്നു പറഞ്ഞയക്കുകയില്ലെന്നും ഉള്ളതുകൊണ്ടു ഈ അമൻറുമെൻറു പ്രകാരമായിരുന്നാൽ അവർ കുറെക്കൂടി യോഗ്യന്മാരായി പെരുമാറുകയില്ലെ?

LIBRARY ARCHIVES Kerala Legislative Assembly

MR. MURUVELIL PACHU PILLAI (*Shertallai*) : സപ്ലിമെന്ററി യോഗ്യന്മാരായി പെരുമാറുമായിരിക്കാം. എങ്കിലും ശ്രീപാദം ക ജോലിക്കുള്ള തെയും നിയമിക്കാമെന്നുള്ളതു കൊണ്ടു രണ്ടാമത്തെ അമൻറുമെൻറു ആവശ്യമില്ല. അതുകൊണ്ടു ഈ അമൻറുമെൻറിനെ ഞാനും എതിർക്കുന്നു.

MR. A. THANU PILLAI (*Trivandrum*) : I also support the amendment. This amendment certainly ensures security of service to the persons who are to be invested with the powers under the Regulation. It also gives them the rights and privileges which the Government servants enjoy under the Service Regulation and Rules.

The amendment was objected to on the ground that because the attempt to put in a provision laying down the qualifications for these officers who are to be vested with these powers had failed, there was no good in having the provision contained in the present amendment.

MR. MURUVELIL PACHU PILLAI (*Shertallai*) : May I point out, Sir, that we have only fifteen minutes more to six.

DEPUTY PRESIDENT : I wish to see this Bill finished before we rise to-day.

MR. A. THANU PILLAI (*Trivandrum*) : These are important amendments and may take some time.

DEPUTY PRESIDENT : Personally I do not mind waiting.

MR. A. THANU PILLAI (*Trivandrum*) : It is very nearly six o'clock. This side of the House is practically empty. Many of the members have gone home since it was late. It is not fair, Sir, that this important measure is rushed through the Council under such circumstances.

DEPUTY PRESIDENT : Mr. Thanu Pillai, if, instead of levelling such criticism, you would proceed with the merits of the amendment you were speaking about, we could surely get time to consider the several amendments to the Bill, and to finish it to-day itself. I do not propose to curtail, in any way, your rights of speech or debate because it is late.

You may go on, Mr. Thanu Pillai.

MR. A. THANU PILLAI (*Trivandrum*): An argument was advanced against the present amendment that, because a former amendment, which intended to provide for minimum qualification for those officers who are to exercise the powers under the Regulation, had been thrown out by the House, there was no use in providing for security of service and other rights and privileges of Government service for these officers who are to exercise the powers under this Regulation. That position cannot be accepted ; because, even though a man may not have the qualification prescribed by Government he will surely have a sense of responsibility and sense of duty if he is assured valuable rights and privileges in the event of good service. For instance, eligibility for leave, right to get a decent pension after a prescribed period of service,

LIBRARY ARCHIVES Kerala Legislative Assembly

a regular scale of pay, security of service, these are sure to attract good men and to make them feel that their posts are covetable and that they should therefore try their level best to keep them unblemished.

If the tendency to be irresponsible is largely reduced, that will safeguard against his conduct. He will try to do his work efficiently and promptly. This, I remember, was one of the suggestions made even while the Bill was first introduced and discussed and that was the security of service, whether they are Sreepadom employees or local authorities. Security of service when assured would conduce to the better discharge of duties, and there will be less scope for abuse of powers. It is a good idea that this amendment has been brought forward and I do not see any reason why the Law Member should object to it. When we ask Government to interfere in the illegal conduct of the Sripadom Palace employees, why should the Law Member raise a strong objection, I am not able to understand.

That is the only objection that he has taken to this. All that he has to say in regard to this is what he has said in regard to the first proviso. That position has to be challenged with all emphasis. I may be permitted to read it. If the Sreepadom or other local bodies want the help of the Government in a very advantageous way for collecting their dues one cannot see why such help cannot be given only on reasonable conditions. Anybody can say that the officers who should be entrusted with these powers should be made to discharge these functions properly. There must be at least that guarantee. So in the Law Member's objection--for this is no objection whatsoever—there is no iota of reason or argument. So, this ought to find a place in the amending Regulation. With these words, I also support the amendment.

Sir, the Government members should be in a much better position than the members on this side of the House to speak with authority on the advisability of introducing this proviso. They should be in a better position to tell us how security of service and the rights and privileges accorded to service, influence their employees in the discharge of their duties, how a permanent clerk of the Secretariat or a permanent officer in any other department discharges his work in comparison to a temporary clerk or a person who is entertained after retirement. So, I thought that this should appeal with greater force to Government benches than to this side of the House, but unfortunately I find my hope is not very well-founded. At the same time I would also like the Government members to give us reasons, if they have any, why they differ from us, in the view we take, that is to say, that security of service and the rights and privileges attaching to service will not be conducive to the better discharge of duties. If the Government take that view I do not know why they take a view that is not taken ordinarily by people in these matters. Unfortunately they have no reason to give. They merely say that there should be no interference with the affairs of the Sreepadom. That is blowing hot and cold at the same breath. With these words, I support the amendment.

LIBRARY ARCHIVES Kerala Legislative Assembly

MR. R. KESAVA PILLAI (*Kottarakara* cum *Kunnattur*): I rise to a point of order. According to Rule 23 the presence of at least 15 members is necessary. We are only 13 non-officials here. We cannot work without at least fifteen members.

DEPUTY PRESIDENT: I overrule you. Members means officials and non-officials.

MR. L. R. RAJA RAJA VARMA KOIL TAMPURAN (*Changanachery* cum *Peermade*): ഒരു രാജാവിന്റെ അധികാരങ്ങളെ കൊടുക്കുന്നതു് അതിനു തക്കയോഗ്യതയുള്ള ഒരു മഹാത്മാവിനു മാത്രമാണു്. അതു പോലെ ഈ അധികാരങ്ങളെ കൊടുക്കുന്നതു് അതുവഹിക്കാൻയോഗ്യതയുള്ള ആളുകൾക്കുതന്നെവേണം. ശ്രീപാദം പാലസിനു് ഒരു ഉയർന്ന സ്ഥാനം കല്പിച്ചു കൊടുക്കുന്നതിൽ ആക്ഷേപമില്ലല്ലൊ.

MR. A. C. KURIAKOSE (*Minachil* cum *Devicolam*): അങ്ങിനെ ചെയ്യുന്നതിനു ഗവണ്മെൻറിനു തക്ക വിവേചനാശക്തി ഉണ്ടെന്നാണൊ, അതല്ല. ഇല്ലെന്നാണൊ മെമ്പർ പറയുന്നതു്?

MR. L. R. RAJA RAJA VARMA KOILTAMPURAN (*Changanachery* cum *Peermade*): ഗവർണ്മെൻറിനുതന്നെ ഇതിൽവേണ്ട വിവേചനാശക്തി ഉപയോഗിക്കാമായിരുന്നു. മറ്റു സ്ഥലങ്ങളിൽ എങ്ങിനെ ചെയ്യുന്നുവൊ അതനുസരിച്ചു് ഇവിടെയും ചെയ്യണം.

MR. A. THANU PILLAI (*Trivandrum*): ഗവർണ്മെൻറിന്റെ വിവേചനാശക്തി എല്ലായ്പ്പോഴും ആക്ഷേപാർഹമാണോ?

DEPUTY PRESIDENT: ഈ ചോദ്യം മിസ്റ്റർ കുര്യാക്കോസിനോടാണോ ചോദിക്കുന്നതു് ?

MR. A. THANU PILLAI (*Trivandrum*): അല്ല.

MR. L. R. RAJA RAJA VARMA KOILTAMPURAN (*Changanachery* cum *Peermade*): അതുകൊണ്ടു് ശ്രീപാദം പാലസിലെ ഉദ്യോഗസ്ഥന്മാരെ ഗവണ്മെൻറുദ്യോഗസ്ഥന്മാർക്കു തുല്യമായ അവസ്ഥയിൽ വച്ചു് പോന്നാൽ എല്ലാവർക്കും പെൻഷനും സർവീസും മറ്റും കിട്ടാൻ സാധിക്കുന്നതാണു്. അതുകൊണ്ടാണു് ശ്രീപാദം ഉദ്യോഗസ്ഥന്മാർക്കും നിശ്ചിതമായ ക്വാളിഫിക്കേഷൻ വേണമെന്നു് ആദ്യം പറഞ്ഞതു്. ആ ഉദ്ദേശത്തോടുകൂടിയാണു് അമൻറുമെൻറു് കൊണ്ടുവന്നിട്ടുള്ളതു്. അതുപോലെ സെക്യൂരിട്ടി ഓഫ് സർവീസ്, സ്ഥാനക്കയറ്റം, ശമ്പളക്കൂടുതൽ, ഇവ യോഗ്യന്മാരായ ആളുകൾക്കു് കൊടുത്തില്ലെങ്കിൽ നല്ല ആളുകളും ചീത്തയാകാം. അതുകൊണ്ടു് ഈ അമൻറുമെൻറു് ആവ

LIBRARY ARCHIVES Kerala Legislative Assembly

ശ്യമായിട്ടുള്ളതാണ്. ശമ്പളം, പെൻഷൻ, സെക്യൂരിട്ടി ഓഫ് സർവീസു മുതലായ സംഗതികളിൽ—

MR. R. KESAVA PILLAI (*Kottarakara* cum *Kunnattur*): അവക്ക് ബോണസ് കൊടുത്താൽ മതിയൊ?

MR. L. R. RAJA RAJA VARMA KOIL TAMPURAN (*Changanachery* cum *Peermade*): ആ വാക്കിന്റെ അർത്ഥം അറിയാൻ വയ്യാതെ പലരും അതിനെപ്പറ്റി നിർദ്ദേശിച്ചിട്ടുണ്ട്. അത് പലടത്തും ഇന്നും ആലോചനയിൽഇരിക്കുന്നതേ ഉള്ളു. പെൻഷൻ എന്നുള്ളവാക്കു ഉപയോഗിച്ചു എന്നേയുള്ളു. റയിൽവെഡിപ്പർട്ടുമെൻറിലുംമറും കൊടുക്കുന്നതുപോലെ പ്രാവിഡൻറ്ഫണ്ടു കൊടുത്താലുംമതി. ആക്കെങ്കിലും എന്തെങ്കിലും ഒരു ജോലി കൊടുക്കുന്ന പക്ഷം അവർ ആ ജോലിയെ ശരിയായി നിവ്വഹിച്ചുകൊണ്ടു പോകുന്നതിന് വേണ്ട പ്രോത്സാഹനങ്ങൾകൂടി ഉണ്ടാക്കിക്കൊടുക്കണം. അല്ലാത്തപക്ഷം ദുർമ്മാർഗ്ഗങ്ങളിൽ പ്രവേശിക്കുന്നതിന് അവർ പ്രേരിതരാകും. അതിനു ഇടവരുത്തരുതെന്നുദ്ദേശിച്ചാണ് ഈ രണ്ടാമത്തെ ക്ലാസ് ഇൻഡ്യൂസ് ചെയ്തിട്ടുള്ളതു്.

MR. A. C. KURIAKOSE (*Minachil* cum *Devicolam*): ശ്രീപാദം വകസ്വത്തുക്കൾ അന്യായമായി നശിപ്പിക്കരുതു്, അതിന് വേണ്ടി നല്ല ഉദ്യോഗസ്ഥന്മാരെ നിയമിക്കണമെന്നാണൊ മെംബർ പറയുന്നതു് ?

MR. L. R. RAJA RAJA VARMA KOIL TAMPURAN (*Changanachery* cum *Peermade*): അങ്ങിനെയും ഞാൻ ഉദ്ദേശിക്കുന്നുണ്ടു്. ശ്രീപാദം വക ഉദ്യോഗസ്ഥന്മാരായി നല്ല ആളുകളെ ആക്കരുതെന്നു് നിശ്ചയമായും ഉദ്ദേശമില്ല. നല്ല ആളുകളെത്തന്നെ എല്ലാ സ്ഥലത്തും നിയമിക്കണം. മിസ്റ്റർ കൃഷ്ണക്കോസും ആ വിധത്തിൽ അല്ലാതെ പറയുകയില്ല. ആക്കെങ്കിലും ഗവണ്മെൻറിൽ നിന്നും തുല്യഅധികാരം കൊടുക്കുമ്പോൾ മറു ഗവണ്മെൻറു ജോലി ചെയ്യുന്നആളുകളെപ്പോലെ തൃപ്തിയോടുകൂടി ജോലിചെയ്യാൻ അവക്കു് സാധിച്ചില്ലെങ്കിൽ അതു നിമിത്തം പല ന്യൂനതകളും വരും. തുച്ഛമായ ശമ്പളം മേടിക്കുന്ന ചില്ലറ ഉദ്യോഗസ്ഥന്മാരുടെ ഇടയ്ക്കാണു പ്രായേണ കൈക്കൂലി അധികമായി കണ്ടുവരാറുള്ളതു്. വലിയ ഉദ്യോഗസ്ഥന്മാരുടെയിടയിൽ അത്രത്തോളം നടക്കുന്നതായി ഞാൻ അറിഞ്ഞിട്ടില്ല. അതുകൊണ്ടാണ് യോഗ്യന്മാരായുള്ളവരെ തക്ക ശമ്പളം കൊടുത്തു് നിയമിക്കണമെന്നു പറയുന്നതു്. യോഗ്യന്മാക്കു ശരിയായ ശമ്പളം കൊടുക്കുകയില്ലെന്നു പറഞ്ഞാൽ വേറെ എങ്ങിനെഎങ്കിലും പണംവരുത്താൻ അവർശ്രമിക്കും. അതുകൊണ്ടു

LIBRARY ARCHIVES Kerala Legislative Assembly

[Mr. L. R. Raja Raja Varma Koil Tampuran.]

സമർത്ഥന്മാരെ നിയമിച്ചിട്ട് ശരിയായശമ്പളം കൊടുക്കാതെ വേറെവഴിയിൽ അവർ പണം വരുത്തിക്കൊള്ളുന്നതിനു പ്രേരണ കൊടുക്കരുതു് എന്നു വിചാരിച്ചാണു ഈ അമൻറുമെൻറ് കൊണ്ടുവന്നിട്ടുള്ളതു്. അതിനാൽ ഇതിനുവേണ്ടി എല്ലാവരും വോട്ട ചെയ്യണമെന്നപേക്ഷിക്കുന്നു.

The amendment was put to the vote and lost, 6 voting for and the rest against.

MR. L. R. RAJA RAJA VARMA KOIL TAMPURAN (*Changanachery* cum *Peermade*) : I demand a poll.

A poll was taken with the following result :

AYES—6.

1 Mr. A. S. Damodaran Asan	4 Mr. Muruvelil Pachu Pillai
2 ,, R. Kesava Pillai	5 ,, L. R. Raja Raja Varma Koil Tampuran
3 ,, K. P. Nilakanta Pillai	6 ,, A. Thanu Pillai

NOES—19.

1 Mr. D. Francis	11 Rao Sahib Dr. N. Kunjan Pillai
2 ,, D. C. Joseph	12 Mr. C. O. Madhavan
3 ,, L. A. Lampard	13 ,, T. K. Madhavan Nayar
4 ,, P. S. Mahomed	14 ,, E. G. McAlpine
5 ,, L. A. Bishop	15 ,, R. Nilakanta Pillai
6 ,, I. C. Chacko	16 ,, Kayalam Paramesvaran Pillai
7 ,, R. Dhanukoti Pillai	17 Dr. K. Raman Tampi
8 ,, K. George	18 Mr. R. Vaidyalingom Pillai
9 ,, P. Gomatinayakam Pillai	19 ,, J. S. Westerdale
10 ,, R. Krishna Pillai	

NEUTRALS—2.

1 Mr. Ittoop Itteechan	2 Mr. A. C. Kuriakose

The amendment was declared lost, 6 voting *for*, 19 *against* and 2 remaining *neutral*.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*) : Sir, I beg to move for the adjournment of the business of the House. We have been sitting here for the last three hours after light refreshments.

DEPUTY PRESIDENT: I will just ascertain how much more time it will take to finish the whole business. Mr. Raja Raja Varma Koil Tampuran, do you propose to move all these amendments ?

MR. L. R. RAJA RAJA VARMA KOIL TAMPURAN (*Changanachery* cum *Peermade*): Yes, Sir.

DEPUTY PRESIDENT : I think, Mr. Paramesvaran Pillai, some of these can be disposed of quick. Others are likely to take some time.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : I should not be thought to fetter your discretion. Sir, if I may be permitted to suggest, I would say that if the arguments are not repeated, we may not require much more time.

LIBRARY ARCHIVES Kerala Legislative Assembly

MR. A. THANU PILLAI (*Trivandrum*): I question that statement of the Law Member.

DEPUTY PRESIDENT: He is not answering you. He is replying to me and therefore you need not question him.

Mr. Paramesvaran Pillai, they have got the rare privilege of repeating their arguments in connection with every amendment. What do you say?

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): Under each amendment there is a principle also involved.

DEPUTY PRESIDENT: I am just upholding your cause, Mr. Nilakanta Pillai.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): But arguments need not be repeated in connection with the same motion. And after all there is only one motion though each part is dealt with separately.

DEPUTY PRESIDENT: I do not propose to stop them, you may take it from me. If they propose to repeat the arguments with reference to each motion they are at perfect liberty to do so and I will stop them only when the arguments are irrelevant.

MR. A. THANU PILLAI (*Trivandrum*): It may be that the official member has got only one argument. We may have more.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): If it is obstruction procedure, we can move for closure.

DEPUTY PRESIDENT: Alright, you may do so. But what guarantee is there that I am going to allow it?

You cannot simply say that because one gentleman has spoken, there has been a fair and proper discussion.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I do not mean to suggest that. If they are going to repeat and repeat.

DEPUTY PRESIDENT: It may be a blocking motion or it may be an ordinary motion. Or it may be that they are anxious that you should have the benefit of their views.

MR. A. THANU PILLAI (*Trivandrum*): I take strong objection to the statement of the Law Member that we are going to make blocking motions.

DEPUTY PRESIDENT: I took notice of it at once and told him that he was not justified in saying that the motions are blocking motions. It may be a blocking motion or it may show real anxiety on the part of the non-official side that the official side should know what their view of the question is.

MR. A. THANU PILLAI (*Trivandrum*): We are as well at liberty to question the motives of the Government.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): Is it too much to presume that the discussion that took place to-day will have no impression at all either on the Government or on the Sreepadom authorities?

LIBRARY ARCHIVES Kerala Legislative Assembly

DEPUTY PRESIDENT: The only question is whether there is any reasonable prospect of finishing the whole Bill in a reasonable period. It will be two hours before the amendments are discussed and it will be cruel on my part to make you sit here till that time.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): For my part, I could not concentrate on the Bill.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): If only fresh arguments are advanced, it may not take two hours.

DEPUTY PRESIDENT: I will give you half an hour's time for interval.

MR. A. THANU PILLAI (*Trivandrum*): Many of us are far from agreeable to that. There is nothing very special about this measure.

DEPUTY PRESIDENT: Nothing. My idea was that this House will be dissolved at an early date and having got so far in the progress of this particular Bill, I thought it will be something to your credit to pass this piece of legislation. But some of you seem to think that the prospects are at present unsatisfactory.

The House is now adjourned and will meet again at 11-30 A. M. tomorrow.

The House adjourned at 6-10 to meet again at 11-30 A. M. the next day.

C. O. MADHAVAN,
Secretary to the Legislative Council.

LIBRARY ARCHIVES Kerala Legislative Assembly